

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

* * * * *		CRIMINAL ACTION
UNITED STATES OF AMERICA	*	11-186-S
	*	
VS.	*	NOVEMBER 16, 2012
	*	<u>VOLUME IV</u>
	*	
JOSEPH CARAMADRE and	*	
RAYMOUR RADHAKRISHNAN	*	PROVIDENCE, RI
* * * * *	*	

HEARD BEFORE THE HONORABLE WILLIAM E. SMITH  
DISTRICT JUDGE  
(Jury Trial)

**APPEARANCES:**

FOR THE GOVERNMENT:	LEE VILKER, AUSA and JOHN P. McADAMS, AUSA U.S. Attorney's Office 50 Kennedy Plaza Providence, RI 02903
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FOR THE DEFENDANT Joseph Caramadre:	MICHAEL J. LEPIZZERA, ESQ. Lepizzera & Laprocina 117 Metro Center Blvd. Suite 2001 Warwick, RI 02886
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ANTHONY M. TRAINI, ESQ. 56 Pine Street Providence, RI 02903
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**APPEARANCES:** (Continued)

FOR THE DEFENDANT

Raymour Radhakrishnan: RAYMOUR RADHAKRISHNAN, pro se

OLIN THOMPSON, ESQ.  
Federal Defender's Office  
10 Weybosset St.  
Providence, RI 02903

Court Reporter:

Anne M. Clayton, RPR  
One Exchange Terrace  
Providence, RI 02903

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I N D E X

<u>WITNESS</u>	<u>PAGE</u>
DANIEL FITZPATRICK	
Direct Examination by Mr. Vilker:	6
Cross-Examination by Mr. Radhakrishnan:	31
Cross-Examination by Mr. Lepizzera:	42
Redirect Examination by Mr. Vilker:	52
Recross-Examination by Mr. Lepizzera:	53
WAYNE POWERS	
Direct Examination by Mr. McAdams:	60
Cross-Examination by Mr. Lepizzera:	70
Redirect Examination by Mr. McAdams:	77
ELLEN HEALY	
Direct Examination by Mr. Vilker:	80
Cross-Examination by Mr. Radhakrishnan:	98
Cross-Examination by Mr. Lepizzera:	100
EULOGIO GONZALEZ	
Direct Examination by Mr. Vilker:	117
Cross-Examination by Mr. Radhakrishnan:	144
Cross-Examination by Mr. Lepizzera:	145
Redirect Examination by Mr. Vilker:	155
CAROL LARIVEE	
Direct Examination by Mr. McAdams:	158
Cross-Examination by Mr. Radhakrishnan:	174
Cross-Examination by Mr. Lepizzera:	175
<u>GOVERNMENT EXHIBITS</u>	
5 -	10
6 -	11
7 -	17
8 -	21
9 -	22
10 -	23
13 -	27
15 -	29
96 -	91
97 -	122
98 -	94

<u>I N D E X</u> (Continued)		<u>PAGE</u>
<u>GOVERNMENT EXHIBITS</u>		
99	-	123
100	-	127
103	-	138
104	-	129
105	-	141
106	-	142
107	-	143
856	-	65
987	-	19
1014	-	66

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1 16 NOVEMBER 2012 -- 9:00 A.M.

2 (Proceedings in the presence of the jury as  
3 follows:)

4 THE COURT: Good morning, ladies and gentlemen.  
5 Welcome back. I'm sure you're all relieved that we  
6 reached the end of the first week of the trial. By the  
7 end of the day, hopefully I'll be able to give you a  
8 little report like I mentioned about the progress that  
9 we're making, but I think we're doing fine, but I'll  
10 try to be a little more specific with you at the end of  
11 the day.

12 So Counsel, are you ready to go forward, or is  
13 there something we need to talk about?

14 MR. VILKER: We're ready to proceed.

15 THE COURT: Okay. Good.

16 MR. VILKER: United States calls Daniel  
17 Fitzpatrick.

18 DANIEL FITZPATRICK, first having been duly  
19 sworn, testified as follows:

20 THE CLERK: Please state your name and spell  
21 your last name for the record.

22 THE WITNESS: Daniel Fitzpatrick,  
23 F-I-T-Z-P-A-T-R-I-C-K.

24 THE COURT: Good morning, Mr. Fitzpatrick.

25 THE WITNESS: Good morning.

1 THE COURT: Mr. Vilker, you may inquire.

2 **DIRECT EXAMINATION BY MR. VILKER**

3 Q. Good morning, Mr. Fitzpatrick.

4 Mr. Fitzpatrick, what city do you live in?

5 A. Narragansett.

6 Q. What do you do for a living?

7 A. I was in the bait business selling lobster bait.

8 Q. Lobster bait?

9 A. Yes.

10 Q. And are you retired now?

11 A. Yes.

12 Q. Now, are you familiar with an individual who has  
13 passed away who is named James Kimball?

14 A. Yes.

15 Q. And how did you know Mr. Kimball?

16 A. He worked for me for about 30 years.

17 Q. He was one of your employees?

18 A. Pardon?

19 Q. He was one of your employees?

20 A. Yes.

21 Q. And did you develop a friendship with Mr. Kimball?

22 A. Yes.

23 Q. How would you describe that friendship?

24 A. Like two brothers. We were pretty much  
25 inseparable.

1 Q. Now, did Mr. Kimball end up passing away in March  
2 of 2008?

3 A. Yes.

4 Q. What was he was suffering from at that time?

5 A. I believe it was liver cancer.

6 Q. Do you know, what were James' finances like at  
7 that time?

8 A. Pardon?

9 Q. What were his finances like, how much money did he  
10 have?

11 A. Nothing.

12 Q. Now, before James died, did there come a point in  
13 time in which you learned about some kind of program  
14 that was out there that may be able to help James get  
15 some money?

16 A. Yes.

17 Q. How did you learn about that?

18 A. Through an ad that they had in the Providence  
19 Visitor.

20 Q. Did you see the ad?

21 A. Yes.

22 Q. Did you show it to James?

23 A. Yes.

24 Q. By reading the ad, what was your understanding of  
25 what this was about?

1       A.    That the people that involved were going to donate  
2       \$2,000 to him to help him, you know, for his expenses.

3       Q.    Did you call the phone number that was on the ad?

4       A.    Yes.

5       Q.    And do you recall who you spoke with when you  
6       called the number?

7       A.    The first time that I called, a young lady  
8       answered the phone and said somebody would get back to  
9       me.

10      Q.    Did somebody then get back to you?

11      A.    Yes. About 20 minutes later, I believe, somebody  
12      called me back, Mr. Raymour.

13      Q.    And you know him as Raymour was his name?

14      A.    Yes. That's what he told me his name was.

15      Q.    I'll refer to him as Raymour throughout this  
16      questioning since that's how you knew him.

17      A.    Yes.

18      Q.    Do you recall what was said during this first  
19      phone call with Raymour?

20      A.    He asked for information about James' health. I  
21      explained to him, and he said that he was coming down  
22      into South County in about an hour or so, and he'd like  
23      to meet with James.

24      Q.    Where did James live at the time?

25      A.    He lived on Route 1 in South Kingstown.



1 Q. So Raymour indicated he was going there anyway?

2 A. Yes.

3 Q. Okay. And did Raymour come that day to meet with  
4 James?

5 A. Yes.

6 Q. Were you there as well?

7 A. Yes.

8 Q. All right. Was anybody else there or just the  
9 three of you?

10 A. James' companion, girlfriend was there, but she  
11 was not part of the conversation. She walked off into  
12 the living room.

13 Q. Okay. So how long would you estimate this first  
14 meeting with Raymour took?

15 A. Maybe 15 minutes.

16 Q. What do you remember Raymour saying when he  
17 initially came to the house that day?

18 A. He asked James a couple of questions. He sat down  
19 on one side of the table. James sat at the other and I  
20 was standing at the end of the table, and he asked him  
21 and said that -- asked him about his health. I think  
22 he looked at some medical records that were there just  
23 briefly. And then he said, Okay. And he handed James  
24 a check for the \$2,000.

25 Q. Okay. So I want to show you Exhibit 5.

1 MR. VILKER: And ask that be moved full.

2 MR. LEPIZZERA: No objection.

3 MR. RADHAKRISHNAN: No objection, your Honor.

4 THE COURT: Exhibit 5 will be full.

5 (Government Exhibit 5 admitted in full.)

6 Q. Mr. Fitzpatrick, does this appear to be the check  
7 that Raymour gave to Mr. Kimball, the first \$2,000  
8 check?

9 A. I would assume that that's the check.

10 Q. Okay. And is it -- do you see how it's dated  
11 January 17th of 2008? Was that about the right time  
12 frame?

13 A. Yes.

14 Q. Did you notice -- first of all, did he give this  
15 check to you or to Mr. Kimball?

16 A. To Mr. Kimball. They were sitting across from  
17 each other, and he slid it across the table.

18 Q. Do you know what James did with this check? Did  
19 he cash it or deposit it?

20 A. I took him, and he cashed the check.

21 Q. Did you notice at all on the memo section of the  
22 check how it's written the word "philanthropy"?

23 MR. RADHAKRISHNAN: Objection, your Honor.

24 THE COURT: Grounds?

25 MR. RADHAKRISHNAN: He already said he didn't

1 know.

2 THE COURT: Overruled. You may answer that  
3 question.

4 A. I don't know.

5 Q. So he received this \$2,000 check. I'd like to  
6 show you Exhibit 6.

7 MR. VILKER: Ask that that be moved full.

8 MR. LEPIZZERA: No objection.

9 MR. RADHAKRISHNAN: No objection, your Honor.

10 THE COURT: Six will be full.

11 (Government Exhibit 6 admitted in full.)

12 Q. Do you see the document in front of you?

13 A. Yes.

14 Q. This document is titled "Terminally Illness  
15 Philanthropy Account Receipt."

16 A. Right.

17 Q. And it says that: I, James Kimball, acknowledge  
18 receipt of \$2,000 from the philanthropic program for  
19 the terminally ill account of Estate Planning  
20 Resources.

21 A. Yes.

22 Q. And at the bottom it has: In witness whereof, I,  
23 Daniel Fitzpatrick -- and do you see your signature  
24 there as a witness?

25 A. Yes.

1 Q. Is that Mr. Kimball's signature?

2 A. Yes.

3 Q. Do you recall signing this document?

4 A. Yes.

5 Q. Do you recall what Raymour said this document was  
6 for?

7 A. Not at that point there. I think it was already  
8 established what it was for before we even signed it.

9 Q. Well, did you understand this to be a receipt for  
10 that \$2,000?

11 A. Yes.

12 Q. After -- in that same meeting, after Raymour gave  
13 Mr. Kimball that \$2,000 and had you and Mr. Kimball  
14 sign this receipt form, did he say anything about any  
15 other money that possibly could be given to  
16 Mr. Kimball?

17 A. Yes.

18 Q. What did he say?

19 A. Well, he had mentioned it to me when I was on the  
20 phone when he was still wherever he was the first time  
21 I talked to him. And he said I might have additional  
22 money to help Mr. Kimball out. He said Mr. Caramadre  
23 has an investment company and if they used James' name  
24 as a co-signer, that he may be able to give him some  
25 more funds. But then he said, Well, don't tell James

1       until I get there. Let me explain to him what I've got  
2       to offer. And I said, Okay, fine.

3               So when he come down, after we got the check, he  
4       said to Mr. Kimball, I have another offer for you. He  
5       said, Mr. Caramadre has some investors and if you were  
6       willing to sign as a co-signer, then it could mean as  
7       much as \$3,000 additional for you.

8       Q. And so he told you about some kind of investment  
9       in which Mr. Kimball would be a co-signer?

10      A. Yes.

11      Q. Did he describe what kind of investment this would  
12      be?

13      A. No.

14      Q. And what was your reaction when Raymour said this  
15      in that meeting?

16      A. Well, he drew a picture. He said let me show you  
17      how it works. And he drew a rectangular box and he  
18      said, This is the original investment. At the time of  
19      your death, if the original -- if the stock is worth  
20      less than the original investment, your signature will  
21      guarantee the investor the original amount of money.  
22      If it's more money, then it's to our advantage. And  
23      being a wise guy, I said, It sounds like a scheme to  
24      me. And he said, It is what it is, Mr. Fitzpatrick.

25      Q. So he drew you a diagram?

1 A. Yes.

2 Q. Did you keep a copy of that diagram?

3 A. Yes. But I've given it to either Mr. -- I'm under  
4 the impression Mr. Caramadre's lawyer who got in touch  
5 with me long before the state did.

6 Q. Okay.

7 A. Or I gave it to Mr. Souza from the Postal --

8 Q. We don't have a copy of that, but do you recall  
9 giving a copy?

10 A. Yes.

11 MR. LEPIZZERA: Objection, your Honor, just  
12 objecting to Mr. Vilker's comment. Move to strike.

13 THE COURT: I'll grant that. I'll strike your  
14 last comment, and you may ask a question.

15 Q. Okay. So you don't have a copy of that anymore?

16 A. No. No. No.

17 Q. So what's your memory of what Raymour wrote and  
18 how that diagram looked after he wrote it?

19 A. It was just a little rectangular box with a -- on  
20 the left-hand side of it from where I was standing  
21 there was just a line. It said that was the  
22 investment. There was no money, there was no figures  
23 put on this diagram at all. It was just if this was  
24 the original investment at the time of your death, if  
25 the stock is worth less than the original investment,

1 then the investor is guaranteed his original investment  
2 back.

3 Q. Now, did Raymour say anything in that meeting that  
4 would indicate that who ever this investor was could  
5 stand to make money or make profits upon James' death?

6 A. No. At least on my part, I don't know about  
7 Mr. Kimball, it was just assumed that there was -- that  
8 was the purpose of the thing was to make money on it.

9 Q. Well, the purpose of the account was to make  
10 money, but did Raymour say -- what was your  
11 understanding of why James' name would need to be on  
12 this account?

13 A. No. He didn't go into detail other than what I  
14 just told you, that it would guarantee the original  
15 amount of money back to the investor.

16 Q. So other than guaranteeing the original amount of  
17 money, did Raymour say anything that a profit could be  
18 made due to the fact that James would pass away?

19 A. No.

20 Q. After this explanation was given, did James agree  
21 to sign the documents?

22 A. Yes.

23 Q. Documents were signed that day?

24 A. Yes. Mr. Raymour had him sign several documents.  
25 He pushed the documents across the table and said, Sign

1 here. When he brought that one back, he gave him  
2 another one. So there was a few.

3 Q. Did you see the documents that James was signing  
4 that day?

5 A. Yes.

6 Q. Did you read them?

7 A. No. No. Because it was just that fast. As fast  
8 as he signed them, as James signed them, he took them  
9 back.

10 Q. So you didn't actually -- you saw the documents  
11 being given to James, but you didn't get a chance to  
12 read them yourself?

13 A. No.

14 Q. Did James appear to read through the documents?

15 A. No.

16 Q. Did Raymour read through the documents that he was  
17 having James sign?

18 A. No.

19 Q. Did James or you receive copies of any of the  
20 documents that were signed?

21 A. No.

22 MR. VILKER: I'd like to show you Exhibit 7 and  
23 ask that that be admitted in full.

24 MR. LEPIZZERA: No objection.

25 MR. RADHAKRISHNAN: No objection, your Honor.



1 THE COURT: Seven will be full.

2 (Government Exhibit 7 admitted in full.)

3 Q. Mr. Fitzpatrick, Exhibit 7 is an application to  
4 open up an Ameritrade account between Joseph Caramadre,  
5 as the owner, and James Kimball, as the co-owner.

6 You mentioned before that Raymour said the name  
7 of Mr. Caramadre?

8 A. Yes.

9 Q. Did he indicate that Mr. Caramadre himself would  
10 be the owner?

11 A. No.

12 Q. Who did he say would be the owner of this account?

13 A. He said that it would probably take a few days if  
14 James was interested to get in touch with an investor  
15 to find out if they were interested in doing it. And  
16 then about three days later, if I was to take a guess,  
17 he called back and said that somebody had agreed to it  
18 and that he was going to bring the second check back to  
19 James.

20 Q. Okay. Did he come back with a second check?

21 A. Yes.

22 Q. Okay. And did he mention -- this is a company  
23 called TD Ameritrade. Did he say anything about  
24 Ameritrade?

25 A. No.

1 Q. And it indicates a type of account. It says joint  
2 tenants with the rights of survivorship. If the joint  
3 owner dies, his or her interest passes to the other  
4 account owner.

5 Did Raymour say anything about a joint account  
6 or joint tenants with rights of survivorship?

7 A. No.

8 MR. VILKER: Highlight the number 3, the second  
9 part of this document.

10 Q. Does that appear to -- it's information on  
11 Mr. Kimball. Does that appear to be Mr. Kimball's year  
12 of birth, 1945, if you know?

13 A. I can't hear you.

14 Q. This says Mr. Kimball was born in 1945?

15 A. Yes.

16 Q. Is the last four digits of his Social Security  
17 number here, do you know if that's his --

18 A. I don't know.

19 Q. Okay. And was that the address he was living in,  
20 in Wakefield, Rhode Island?

21 A. Yes.

22 Q. What about work phone number? It says  
23 401-785-4411. Was that Mr. Kimball's number?

24 A. No. That isn't the work number at all, no.

25 Q. Well, is that number familiar to you at all?

1       A.     It could have been his home phone number, but  
2       that's not his -- Mr. Kimball worked -- towards the  
3       end, the last couple of years he worked for another  
4       company as well, and I would have recognized the phone  
5       number immediately. He worked for me part-time when I  
6       needed him the last couple of years, but that's not the  
7       phone number of the company that he worked for.

8             MR. VILKER: Bring up Exhibit 987.

9             Exhibit 987 is a certified business record from  
10       Cox Communications, and I ask that that be moved full.

11            MR. LEPIZZERA: No objection.

12            MR. RADHAKRISHNAN: No objection, your Honor.

13            THE COURT: 987 will be full.

14            (Government Exhibit 987 admitted in full.)

15            MR. VILKER: If you could enlarge the bottom  
16       half of this document, please.

17       Q.     Do you see here, this is a Cox Communication  
18       record, the phone number 785-4411?

19       A.     Yes.

20       Q.     And it indicates that it belongs to Estate  
21       Planning Resources, Suite 270.

22       A.     I'm sorry. You're going to have to --

23       Q.     Let me just speak louder. Do you see the words  
24       "Estate Planning Resources" on the side of this?

25       A.     Yes.

1 Q. So does that help you in your memory of who this  
2 phone number belonged to? Do you know what Estate  
3 Planning Resources is?

4 A. No.

5 MR. VILKER: Now, if we can go back to Exhibit  
6 7, please. If you could turn to page three of this  
7 document. If you can enlarge paragraph 11 down.

8 Q. This section asks some questions about the account  
9 co-owner being Mr. Kimball.

10 First of all, do you recognize Mr. Kimball's  
11 signature there?

12 A. Yes.

13 Q. What about the date, where it says after his  
14 signature 1-18-2008? Can you tell if that's his  
15 handwriting?

16 A. I don't know to be honest with you.

17 Q. The section above asks questions about  
18 Mr. Kimball. It asks, first question, funds available  
19 for options trading, and it says \$50,000. Did he have  
20 that kind of money?

21 A. No.

22 Q. Did he have any money?

23 A. No.

24 Q. Okay. Did Raymour ask any questions about how  
25 much money Mr. Kimball had?

1 A. No.

2 Q. The next category asks years of investment  
3 experience. It says six through nine.

4 Was Mr. Kimball experienced in investing in  
5 stocks or bonds or anything like that?

6 A. No.

7 Q. Yet he worked for you in the lobster bait  
8 business?

9 A. Yes.

10 Q. And I won't go through each of these categories,  
11 but suffice it to say Mr. Kimball did not have  
12 extensive investment knowledge or a history of  
13 purchasing stocks or options?

14 A. I can account for about 40 years of his life, even  
15 though we were only friends for 30, and James never had  
16 any money to invest.

17 Q. Raymour, did he ask him any questions about --

18 A. No.

19 Q. Let me finish the question. Did he ask him any  
20 questions about his investment experience or anything  
21 like that?

22 A. No.

23 MR. VILKER: I'd like to bring up Exhibit 8,  
24 please and have that moved full.

25 MR. LEPIZZERA: No objection.

1 MR. RADHAKRISHNAN: No objection, your Honor.

2 THE COURT: Exhibit 8 will be full.

3 (Government Exhibit 8 admitted in full.)

4 Q. Do you recognize in the top, do you recognize  
5 Mr. Kimball's signature there under "Account Co-owner"?

6 A. Yes.

7 Q. And this is a Limited Trading Authorization that  
8 gives Raymour, that's the person you met with, the  
9 ability to make trades in that account, this Ameritrade  
10 account that was opened between Mr. Caramadre and  
11 Mr. Kimball.

12 Did Raymour say anything to you that he needed  
13 to get Mr. Kimball's authorization so that he could  
14 make trades in this account?

15 A. No.

16 MR. VILKER: I'd like to bring up now Exhibit 9,  
17 please, and ask that that be moved full.

18 MR. LEPIZZERA: No objection.

19 MR. RADHAKRISHNAN: No objection, your Honor.

20 THE COURT: Exhibit 9 will be full.

21 (Government Exhibit 9 admitted in full.)

22 Q. Mr. Fitzpatrick, this is another Ameritrade form.  
23 This form is an application to get margin and options  
24 upgrade on the form.

25 Did Raymour say anything about adding margin or

1 options or anything like that to this account?

2 A. No.

3 MR. VILKER: If you could turn to page three of  
4 this document. If you could magnify the bottom portion  
5 of this from about number eight down.

6 Q. Do you see Mr. Kimball's signature there?

7 A. Yes.

8 Q. And this document also goes through the same  
9 questions about Mr. Kimball's finances and investment  
10 history. Do you see all those answers?

11 Would your testimony still be that those answers  
12 are inaccurate?

13 A. Yes, yes.

14 MR. VILKER: I'd like to show you Exhibit 10 and  
15 ask that that be moved full.

16 MR. LEPIZZERA: No objection.

17 MR. RADHAKRISHNAN: No objection, your Honor.

18 THE COURT: Exhibit 10 will be full.

19 (Government Exhibit 10 admitted in full.)

20 Q. Okay. Exhibit 10 is a three-page document called  
21 "Agreement and Acknowledgment," and it's titled  
22 "Brokerage Account."

23 Now, is any of the handwriting on this first  
24 page of the document, is any of that handwriting  
25 Mr. Kimball's?

1 A. Pardon?

2 Q. Is any of the handwriting on this first page  
3 Mr. Kimball's?

4 A. No.

5 Q. If you could turn to the second page, please. The  
6 second page has no handwriting. If you could turn to  
7 the third page. Do you see --

8 A. I see a signature there as co-owner signature.

9 Q. So you see his handwriting on the third page, but  
10 you don't see his handwriting on either of the other  
11 pages.

12 A. Right.

13 Q. Do you know if either the first page or the second  
14 page of this three-page document was shown to  
15 Mr. Kimball?

16 A. Not for him to read. The only time he -- that  
17 anything was given to him, he put his signature on it.

18 Q. So if you can go back to the first page, please,  
19 of this document.

20 This document says it's an agreement and  
21 acknowledgment that a brokerage account would be opened  
22 on the 18th day of January between Joseph Caramadre and  
23 James Kimball. And Joseph Caramadre is identified as  
24 the funds provider, and Mr. Kimball is identified as  
25 the co-owner.



1           Did Raymour say anything in that meeting that  
2           some kind of brokerage account was going to be opened  
3           up between Mr. Caramadre and Mr. Kimball?

4           A.    No. It was left so that he had to solicit or look  
5           for somebody at that point that would be interested in  
6           investing.

7           Q.    And whoever that would be, did he say that this  
8           would be some kind of brokerage account?

9           A.    I don't know.

10           MR. VILKER: Okay. Now, if you bring up -- if  
11           you can magnify paragraph 7.

12           Q.    Paragraph 7 says the securities in the account may  
13           contain an optional redemption feature, which provides  
14           that in the event of one joint tenant's death, the  
15           surviving joint tenant is allowed to sell the  
16           securities in the account back to the issuer in  
17           exchange for the par value of the securities plus  
18           accrued interest. In order to exercise the optional  
19           redemption feature, the funds provider and the co-owner  
20           must be joint tenants with right of survivorship in the  
21           account at the time of either party's death. As a  
22           result of the optional redemption feature, the  
23           securities could yield a substantial profit for the  
24           funds provider if the co-owner dies before the funds  
25           provider.

1           Did Raymour say anything that would indicate  
2           that the owner of this account, whether it be  
3           Mr. Caramadre or anybody else, stood to make a  
4           substantial profit from James' death?

5           A.    No.

6           Q.    Was this the only meeting that you had with  
7           Raymour?

8           A.    There was two meetings, the first one for the  
9           \$2,000 and that's when all the paperwork was done, I  
10          believe; and on the third time he just brought the  
11          check down and asked a receipt for it and that was it.  
12          The second time he wasn't there but minutes.

13          Q.    There were two meetings that you recall?

14          A.    Yes.

15          Q.    The first meeting is when all this paperwork was  
16          signed?

17          A.    Yes.

18          Q.    And the second meeting he came back and he brought  
19          another check?

20          A.    Right.

21          Q.    Did he say anything that indicated that those  
22          forms needed to be signed that first day?

23          A.    Yes. Going back to the original phone call when I  
24          talked to him the first day, he started to tell me and  
25          then he said, Let me tell Mr. Kimball about it. Don't

1 say anything to him. He said, But he has to make a  
2 decision immediately because, he said, I had a woman  
3 who called me a couple of weeks ago that her and her  
4 husband had changed their mind and they would like  
5 to -- and he said I had to say no to them.

6 Q. So he told you that if James wanted to do this, he  
7 wanted to make a decision right then?

8 A. It had to be right then and there. He didn't say  
9 to Mr. Kimball it has to be done right there. He  
10 offered it to him and James said yes.

11 Q. But he had told you that --

12 A. He had told me that it had to be done there.

13 MR. VILKER: Now, I'd like the bring up Exhibit  
14 13 please and ask that that be moved full.

15 MR. LEPIZZERA: No objection.

16 MR. RADHAKRISHNAN: No objection, your Honor.

17 THE COURT: 13 will be full.

18 (Government Exhibit 13 admitted in full.)

19 Q. Did this appear to be, Mr. Fitzpatrick, the second  
20 check that Raymour brought to Mr. Kimball?

21 A. I would assume so.

22 Q. This was for \$3,000?

23 A. Yes.

24 MR. VILKER: And I'd like to bring up now  
25 Exhibit 14.

1 Q. Exhibit 14 is a record from Estate Planning  
2 Resources, and it's entitled "Summary of TD Ameritrade  
3 Bond Holdings."

4 And if you look at the third line, can you see  
5 that? It says JAC and James Kimball?

6 A. Yes.

7 Q. Are you able to see that if you go on in the line  
8 it says \$230,000 deposited?

9 THE CLERK: It's not full.

10 MR. VILKER: This is full.

11 THE COURT: Yes, I think it is full. What  
12 number is it?

13 MR. VILKER: 14. 14 is full.

14 Q. So just to go back a second, Mr. Fitzpatrick, do  
15 you see the third line, how it says account name, JAC  
16 for Joseph A. Caramadre, and James Kimball?

17 A. (Witness nods head in the affirmative.)

18 Q. That's yes? Do you see that?

19 A. Yes.

20 Q. And do you see how it says \$230,000 deposited into  
21 that account?

22 A. Yes.

23 Q. And that there's bonds worth \$452,000 that were in  
24 that account.

25 A. Yes.

1 Q. Did you have any idea that Mr. Kimball was the  
2 owner of an account in which that much money was  
3 deposited?

4 A. No.

5 Q. Did you have any idea that Mr. Caramadre was  
6 purchasing bonds that would allow him to make a profit  
7 upon Mr. Kimball's death?

8 A. No.

9 MR. VILKER: Now I want to show you Exhibit 15  
10 and ask that that be moved full.

11 MR. LEPIZZERA: No objection.

12 MR. RADHAKRISHNAN: No objection, your Honor.

13 THE COURT: 15 will be full.

14 (Government Exhibit 15 admitted in full.)

15 Q. Mr. Fitzpatrick, this is a letter from Joseph  
16 Caramadre dated July 14th, and it concerns this  
17 Ameritrade account that was opened with Mr. Kimball,  
18 and he's requesting that a group of CIT bonds with  
19 survivor's option to be redeemed.

20 Did you know anything about Mr. Caramadre  
21 attempting to redeem bonds in James' name after James  
22 passed away?

23 A. No.

24 MR. VILKER: If you could turn to page two of  
25 this document.

1 Q. Part of this document is a letter from  
2 Mr. Caramadre and it says: I own these bonds with  
3 James D. Kimball as joint tenant with right of  
4 survivorship. James died on March 13, 2008, as  
5 evidenced by the enclosed death certificate.

6 Do you know if James ever met Mr. Caramadre?

7 A. Pardon?

8 Q. Do you know if James knew Mr. Caramadre at all?

9 A. No, he didn't.

10 Q. He wasn't there at these meetings?

11 A. No.

12 Q. It says "the enclosed death certificate." Did  
13 Raymour reach back out to you and ask you for a copy of  
14 James' death certificate?

15 A. No.

16 Q. Do you have any knowledge of how Mr. Caramadre was  
17 able to get a copy of his death certificate?

18 A. No. The day that James died I had pretty much  
19 severed my relationship with his family. So I had no  
20 way of obtaining a death certificate or knew anything  
21 about it after that.

22 Q. Okay. So you don't know one way or the other how  
23 this death certificate --

24 A. No. No.

25 MR. VILKER: I have no further questions, your

1 Honor.

2 THE COURT: Thank you.

3 Mr. Radhakrishnan.

4 **CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

5 Q. Good morning, Mr. Fitzpatrick.

6 A. Good morning.

7 Q. It's nice to see you again. Thank you for coming  
8 in.

9 Sometime inside early 2008, I believe you  
10 contacted me first; is that correct?

11 A. Yes.

12 Q. Can you describe, how did you get in contact with  
13 me? Who told you to call me?

14 A. I called the number that was on the advertisement  
15 in the Providence Visitor, and I called that number and  
16 a young lady said that she'd have somebody get back to  
17 me shortly, and you were the one who called me back and  
18 introduced yourself.

19 Q. Yes. Okay. And when you called me, did you  
20 express any skepticism about that advertisement, about  
21 somebody giving out \$2,000?

22 A. No. No. Not at all.

23 Q. You thought that was completely normal?

24 A. Yes.

25 Q. That somebody was giving out \$2,000?

1       A.    Yes.

2       Q.    Okay.  All right.  Did you ask me any questions  
3       about the program, about what it took to qualify or any  
4       questions?  Did you ask me any questions about the  
5       program?

6       A.    No.  No.  If I can remember right, you were the  
7       one that was speaking and told me -- you asked me if I  
8       knew Mr. Caramadre.  I said, no, I didn't.  And you  
9       said he was the gentleman who was making these funds  
10      available to cancer patients.

11      Q.    Okay.  So subsequently, you or I set up an  
12      appointment?

13      A.    Um-hum.  (Affirmative.)

14      Q.    What did you tell Mr. Kimball after speaking to  
15      me?

16      A.    I said that you were coming down, and you asked  
17      me -- you started to explain to me that there may be  
18      additional funds, but then half way through the thing  
19      you said to me, Let me explain to Mr. Kimball.  Don't  
20      say anything to him.

21                So I didn't.  I just said I had a fellow coming  
22      down that was going to talk to him and offering some  
23      money to help him through his financing because he  
24      didn't even have the rent for his home at that point.

25      Q.    Okay.  So you set up a first meeting is what it



1 comes down to?

2 A. Yes.

3 Q. And you testified that there were a few meetings  
4 that occurred; is that correct?

5 A. Two.

6 Q. Okay. Two meetings that occurred. All right. In  
7 that first meeting that I came to visit Mr. Kimball --

8 MR. RADHAKRISHNAN: If I may please have Exhibit  
9 6 pulled up, Ms. Anderson, please.

10 Q. -- do you remember seeing this document here in  
11 front of you today?

12 A. To say that I remember that day, no. I see my  
13 signature on there so it had to be one of the documents  
14 that I signed with you.

15 Q. Okay. And you see the date there? What's the  
16 date listed there, "In witness whereof, Daniel  
17 Fitzpatrick" --

18 A. The 17th day of January.

19 Q. So 17th of January.

20 So I presented this document to you and  
21 Mr. Kimball. Do you remember that?

22 A. Yes.

23 Q. And is it true -- excuse me. Did I read this  
24 document to you?

25 A. No.

1 Q. Okay. Did I give it to you to read, or did I give  
2 it to Mr. Kimball to read?

3 A. To read? I don't believe so. I don't think that  
4 you said, I want you to read this. I think it was just  
5 a matter of us signing.

6 Q. Okay. Take a look at this document. The title of  
7 the document is "Terminal Illness Philanthropy Account  
8 Receipt."

9 A. Okay.

10 Q. If you remember in that first meeting, you  
11 testified that Mr. Kimball received a check for \$2,000;  
12 is that correct?

13 A. Yes.

14 Q. So take a look at it. Is it common practice for  
15 you to sign a document -- excuse me, for Mr. Kimball to  
16 sign a document without reading it? You've known him  
17 for 40 years; is that correct?

18 A. Yes.

19 Q. Was it common practice for Mr. Kimball to sign a  
20 document without reading it?

21 A. Yes.

22 Q. You also signed this document there, right?

23 A. Yes.

24 Q. Why did you sign that document?

25 A. Because you had a check in your hand for \$2,000

1 that you were giving to him. He had signed the  
2 document. And you were like an angel that day when you  
3 appeared in that house to help him out because not only  
4 was he desperately sick, there were no funds in the  
5 house whatsoever and they would have evicted him from  
6 his home.

7 Q. Sure. I understand that. But if we could read  
8 right here, okay --

9 MR. RADHAKRISHNAN: Ms. Anderson, could you  
10 please zoom into the bottom section.

11 Q. Can you read the bottom paragraph there,  
12 Mr. Fitzpatrick, please?

13 A. "I understand that I may use the monies received  
14 from Estate Planning Resources for any of the following  
15 purposes?"

16 Q. No, actually even one further. "In witness  
17 whereof," where your name is.

18 A. "Daniel Fitzpatrick have hereunto set my hand and  
19 seal on this 17th day of January, 2008."

20 Q. All right. Backing up for a second, all right, I  
21 came and that first meeting was -- you testified was  
22 very short. Isn't that correct?

23 A. Right.

24 Q. And how long was that? You said a few minutes, 15  
25 minutes?

1       A.     Maybe 15 minutes.

2       Q.     Okay. And do you remember me saying anything to  
3       Mr. Kimball at that meeting, or was it just -- what did  
4       I say to Mr. Kimball at that meeting? What do you  
5       remember me saying to Mr. Kimball at that first  
6       meeting?

7       A.     Very little. You looked at the documents and the  
8       medical things that were on the table, and I think you  
9       may have even touched or looked at one of the  
10      prescriptions. And you said, Well, all right, we have  
11      the money available for you that we'd like to help you  
12      out. And that was about the extent of the conversation  
13      while he signed for this money.

14      Q.     Okay.

15      A.     And then you said, I may be able to offer you some  
16      other money. And you went on to explain to him about  
17      the investment, that Mr. Caramadre had this investment  
18      company. And if they had a client that was interested,  
19      that he would -- that you would give him more money.

20      Q.     Okay. And do you remember at that meeting if  
21      Mr. Kimball was interested in getting more money? Did  
22      he express interest in getting more money?

23      A.     Yes.

24      Q.     And do you remember -- excuse me. You had  
25      testified that I drew some type of chart explaining

1 this; is that correct?

2 A. Yes.

3 Q. Okay. Can you describe again for the jury what  
4 that chart -- just describe the chart, please, to the  
5 jury.

6 A. It wasn't a chart. You had drawn a rectangular  
7 box. It was about maybe two-and-a-half inches, the  
8 length of it. The side maybe an inch. And then you  
9 had taken the pen and made a little mark on the end of  
10 the box.

11 Q. Okay.

12 A. Okay. And you said this is the original  
13 investment. If at the time of your death the original  
14 investment is less than what it was, that he would --  
15 the investor would receive the original amount of money  
16 that he had invested upon James' death. And the top  
17 part you said if it's higher than that, then it takes  
18 care of itself.

19 Q. Okay. So just to do some quick math here, if an  
20 investor purchases an investment at a lower value,  
21 okay, than the par value, and then upon a death if it  
22 actually triggers a death -- excuse me, if the  
23 investment is triggered by a death, and they redeem it  
24 at par value, wouldn't there be derived a profit if  
25 you're purchasing something at a lower price and then

1 basically redeeming it at a par price? Would there be  
2 a profit?

3 A. I think it's self-explanatory. Because when you  
4 said upon the death of the value of the -- if the value  
5 of the original investment is less than the original  
6 investment, they're guaranteed their money back. And  
7 you said if it's doing well, then it's doing well.

8 Q. Okay. That's fine. Listen -- sorry. That was  
9 '08. Okay. So that was several years back. Four  
10 years back, at least.

11 A. Right. Yes.

12 Q. Okay. That's fair. But you do remember me  
13 explaining, you know, X, Y and Z about the -- excuse  
14 me, explaining that there were investments and I did  
15 draw a chart; is that correct?

16 A. Yes.

17 Q. Okay. You had testified that Mr. Kimball didn't  
18 have much experience in investing, if any at all; isn't  
19 that correct?

20 A. No. Absolutely not.

21 Q. Okay. Right. And do you ever remember  
22 Mr. Kimball expressing to me that he didn't fully  
23 understand all the details of the chart or the account  
24 that I was explaining to him?

25 A. No.

1 MR. TRAINI: Objection.

2 THE COURT: Grounds?

3 MR. TRAINI: It was a hearsay objection, your  
4 Honor. I'm sorry.

5 I believe the question included a statement from  
6 Mr. Kimball.

7 THE COURT: Right. I'm going to allow it.  
8 Overruled. Go ahead.

9 Did you answer the question?

10 MR. RADHAKRISHNAN: Could the court reporter  
11 please repeat that question, please.

12 (Pending question read by the reporter.)

13 Q. You can answer that question.

14 A. No.

15 Q. Thank you. All right. One moment, please.

16 MR. RADHAKRISHNAN: Ms. Anderson, can you please  
17 pull up Exhibit Number 13, please. Can you zoom in on  
18 that, please.

19 Q. Mr. Fitzpatrick, were you present at all the times  
20 that I met with Mr. Kimball?

21 A. Yes.

22 Q. Okay. So you remember Mr. Kimball receiving this  
23 check?

24 A. Yes.

25 Q. Okay. And do you see the date on there, I believe

1 it's January 23rd, 2008; is that correct?

2 A. Yes.

3 Q. Okay. And do you remember the first date --

4 MR. RADHAKRISHNAN: If I can pull up here, if I  
5 can do that side by side thing that I saw Mr. Vilker do  
6 the other day where we pull up that exhibit and then  
7 also I'd like to pull up the \$2,000 check, which would  
8 be Exhibit Number 5, please, Ms. Anderson.

9 Q. Okay. So you can see here that we have the \$2,000  
10 check and the \$3,000 check on the screens there, and  
11 the dates are different, correct?

12 A. Yes.

13 Q. The first date is the 17th of January, okay, that  
14 was -- and you can see here inside the bottom corner of  
15 that check --

16 MR. RADHAKRISHNAN: Is it possible to zoom into  
17 the bottom corner of the \$2,000 check to the  
18 philanthropy part or just zoom in, in general? Okay.  
19 Thanks.

20 Q. You can see on the bottom corner of that check,  
21 what does that say there?

22 A. "Philanthropy."

23 Q. Philanthropy. And on the bottom corner of the  
24 check to the left, the \$3,000 check, can you read what  
25 that says for me, please.



1 A. "New" something.

2 Q. I think it's "New account setup" or new A-C-C-T  
3 spot setup?

4 A. Okay.

5 Q. So we're very clear that Mr. Kimball got two  
6 checks, one for \$2,000 for philanthropy; is that  
7 correct? And he got another check for \$3,000 and you  
8 can see there that was for new account setup; is that  
9 correct? You can see there in the bottom corner.

10 A. Yes.

11 THE COURT: Mr. Radhakrishnan, you have to slow  
12 down a little bit.

13 MR. RADHAKRISHNAN: Pardon me.

14 THE COURT: Don't talk over the witness.

15 MR. RADHAKRISHNAN: Sorry about that, your  
16 Honor; and sorry about that, Mr. Fitzpatrick.

17 Q. Okay. So do you ever remember, Mr. Fitzpatrick,  
18 if you ever called me up about anything else? Do you  
19 ever remember calling me up after my relationship was  
20 completed with Mr. Kimball?

21 A. No.

22 Q. Okay. Did you ever refer anyone else to this  
23 program?

24 A. No.

25 Q. Okay. But you did have conversations with

1 Mr. Kimball about the program, and did he ever tell you  
2 that he was happy about receiving the money? Did he  
3 ever express that he was grateful about receiving the  
4 money?

5 A. Without saying, you know, it was a -- he was very  
6 happy. Again, he would have been -- there was no funds  
7 in the house. He had been sick for quite some time,  
8 and the rent was due which was about \$1,100 a month.

9 MR. RADHAKRISHNAN: Sure. Okay. I appreciate  
10 your time, Mr. Fitzpatrick. Thank you for coming in.  
11 Have a nice day. All right?

12 Thank you, your Honor.

13 THE COURT: Thank you.

14 Mr. Lepizzera.

15 **CROSS-EXAMINATION BY MR. LEPIZZERA**

16 Q. I'll be brief with you. I represent  
17 Mr. Caramadre. I have a couple of questions for you.

18 Mr. Fitzpatrick, James Kimball never met  
19 Mr. Caramadre, correct?

20 A. No.

21 Q. In fact, you've never met Mr. Caramadre?

22 A. No.

23 Q. Mr. Radhakrishnan did explain during the meeting  
24 with you and Mr. Kimball that there was some type of  
25 investment, correct?

1 A. Yes.

2 Q. Okay. And he also explained to you and  
3 Mr. Kimball that he was asking Mr. Kimball if  
4 Mr. Kimball could be a co-signer on some kind of  
5 investment?

6 A. Yes.

7 Q. He did not explain to you exactly what type of  
8 investment that would be, correct?

9 A. No.

10 Q. But he did say and he did ask Mr. Kimball to be a  
11 co-signer on some type of investment?

12 A. Yes.

13 Q. And Mr. Kimball agreed to be a co-signer on some  
14 type of investment, correct?

15 A. Yes.

16 Q. And he agreed to do that in return for \$3,000,  
17 correct?

18 A. Right.

19 Q. Mr. Kimball signed -- after he agreed to become a  
20 co-signer in some type of investment, he signed some  
21 documents, correct?

22 A. Um-hum. (Affirmative.)

23 Q. Those are the ones that Mr. Radhakrishnan gave to  
24 him?

25 A. Yes.

1 Q. He willingly signed those documents?

2 A. Yes.

3 Q. He willingly agreed to become a co-signer on an  
4 investment?

5 A. Yes.

6 Q. With some investor, right? Because  
7 Mr. Radhakrishnan didn't explain who the investor was,  
8 right?

9 A. No.

10 Q. Mr. Radhakrishnan, after Mr. Kimball signed the  
11 papers, he left the meeting, correct?

12 A. Right.

13 Q. And the \$3,000 that Mr. Kimball received, he  
14 didn't receive the \$3,000 at the first meeting, right?

15 A. No.

16 Q. Because Mr. Radhakrishnan said that he had to  
17 finalize the investment first, right?

18 A. Right.

19 Q. Make sure the investment went through that  
20 Mr. Kimball agreed to be a co-signer on, correct?

21 A. Yes.

22 Q. And after that investment was set up,  
23 Mr. Radhakrishnan would come back with a \$3,000 check,  
24 right?

25 A. Right.

1 Q. And in fact, Mr. Radhakrishnan did come back with  
2 a \$3,000 check, didn't he?

3 A. Yes.

4 Q. Gave the check to Mr. Kimball?

5 A. Yes.

6 Q. Were you present?

7 A. Yes.

8 Q. You were present?

9 A. Yeah.

10 Q. How long did Mr. Radhakrishnan stay for that  
11 second meeting?

12 A. Minutes. Just in order to present the check and  
13 if there was a signature required, that was it.

14 Q. There might have been a signature required at that  
15 point, the second meeting?

16 A. I can't remember right now.

17 Q. But when he came back with that \$3,000 check, he  
18 let you and Mr. Kimball know that that investment that  
19 Mr. Kimball had agreed to had been opened up, right?

20 A. Yes.

21 Q. And that's why he was delivering the \$3,000 check?

22 A. Yes.

23 Q. Now, I want to go back to the \$2,000 check.

24 MR. LEPIZZERA: Ms. Anderson, can you bring up  
25 Exhibit 5.

1 Q. Can you see the check on the screen?

2 A. Yes.

3 Q. Mr. Kimball (sic), you testified on direct and  
4 cross-examination, I just want to go over this point  
5 again with you, on the left-hand corner of that check,  
6 it says "philanthropy," doesn't it?

7 A. Yes.

8 Q. That \$2,000 check is dated January 17th, 2008,  
9 right?

10 A. Yes.

11 Q. That's about the time that you met with  
12 Mr. Radhakrishnan, right?

13 A. Yes.

14 Q. That \$2,000 check was given to Mr. Kimball because  
15 you had responded to the ad on his behalf, right?

16 A. Yes.

17 Q. That \$2,000 check had nothing to do with the  
18 investment that Mr. Kimball had agreed to, right?

19 A. Exactly.

20 Q. In fact, that \$2,000 check was given to  
21 Mr. Kimball before Mr. Radhakrishnan then went on to  
22 explain another way to make money; is that correct?

23 A. Yes.

24 Q. And in the left-hand corner of that check, it says  
25 "philanthropy," right?

1 A. Yes.

2 Q. Did you happen to see yourself this check before  
3 Mr. Kimball went to the bank and cashed it? Do you  
4 remember?

5 A. Only when Mr. Raymour had pushed it across the  
6 table, because I was standing up very close to the  
7 table. I seen the amount of money, and James took the  
8 check and put it in his top pocket immediately.

9 Q. So you saw the money amount on there, right?

10 A. Yes.

11 Q. And that was for \$2,000 Mr. Radhakrishnan had  
12 promised and, in fact, was promised in that ad,  
13 correct?

14 A. Right.

15 Q. Did you happen to see what bank account this check  
16 was written to when he slid it across the table?

17 A. No.

18 Q. You didn't -- go ahead, I'm sorry.

19 A. I'm trying to think. We went to Citizens Bank.  
20 It might have been Mr. Kimball had an account there or  
21 a checking account there or -- but for some reason I'm  
22 thinking we went to Citizens, but I didn't notice the  
23 bank that it was drawn on.

24 Q. Take a look at this check right now. See at the  
25 top where it says "Joseph Caramadre" at the top of that

1 check?

2 A. Yeah.

3 Q. Did you happen to see Mr. Caramadre's name on the  
4 check before Mr. Kimball deposited or cashed the check  
5 at Citizens Bank?

6 A. No. Like I said, when Raymour gave him the check,  
7 he slid it across the table and James picked it up and  
8 looked at it. That's when I had maybe two seconds to  
9 look at it. And he put it in his top pocket. That was  
10 the only time that I seen the check.

11 Q. Mr. Fitzpatrick, this is the second check that  
12 Mr. Kimball had received, right?

13 A. (Witness nods head in the affirmative.)

14 Q. Correct?

15 A. You just have to answer for the stenographer, for  
16 the record.

17 And this date on this check is January 23rd,  
18 2008, right?

19 A. Yes.

20 Q. By the way, did Mr. Radhakrishnan call you or  
21 Mr. Kimball to let him know that he was coming down  
22 with the second check?

23 A. He called me.

24 Q. He called you?

25 A. Yeah. He didn't have Mr. Kimball's phone number.



1 I gave him my cell phone number, and he and I  
2 communicated with each other.

3 Q. And the arrangement was before Mr. Radhakrishnan  
4 left at the first meeting, the agreement was that he  
5 would call you if, in fact, he was able to open up that  
6 investment account that Mr. Kimball had agreed to and  
7 to return back with the \$3,000 that he had promised,  
8 right?

9 A. Yes.

10 Q. And in fact, he did that, right?

11 A. Yeah.

12 Q. So he called you up and he let you know, and you  
13 and him made arrangements to meet with Mr. Kimball?

14 A. Yes.

15 Q. To deliver the \$3,000 check for the account that  
16 Mr. Kimball had agreed to open up, right?

17 A. Yes.

18 Q. Again, if you take a look at the left-hand corner  
19 of that check.

20 A. Yes.

21 Q. Where it says "New account setup," right?

22 A. Yes.

23 Q. What happened with this check? Did Mr. Kimball,  
24 again, cash it, or do you recall what happened?

25 A. I took him to the bank, and he cashed it again.

1 Q. He cashed it?

2 A. Yes.

3 Q. So like the other check, he didn't just deposit  
4 it. He went out and cashed it, right?

5 A. Right. They were both cashed.

6 Q. And that's a \$3,000 check, right?

7 A. Yes.

8 Q. Did Mr. Kimball go to the bank the same day that  
9 Mr. Radhakrishnan delivered the \$3,000 check?

10 A. Probably five minutes after he drove out of the  
11 driveway, we were on our way.

12 Q. Right away?

13 A. Exactly.

14 Q. By the way, did Mr. Kimball, did he drive at the  
15 time?

16 A. Yes.

17 Q. Did you drive Mr. Kimball to the bank?

18 A. Yes. Yeah. The last three or four months that he  
19 was sick, he was terribly sick, and I spent most of my  
20 time there at the house. I brought him to all the  
21 doctors, the hospitals, the pharmacy. Anything that he  
22 had to do I made myself available to.

23 Q. You were close friends, right, with him?

24 A. Like I said, we were like brothers.

25 Q. You were like brothers?

1       A.    Yes.  We were inseparable.  And we worked together  
2       all them years, and any time I asked him to help me,  
3       whether it was three o'clock in the morning in a snow  
4       storm or whatever, he was available.

5       Q.    That's wonderful.

6               Was Mr. Kimball grateful for receiving \$5,000  
7       from this program?

8       A.    Yes.  Yeah.

9       Q.    So he went to the bank.  There was no delay in  
10       cashing that check, was there?

11       A.    No.  Just as soon as he walked in, he cashed the  
12       check.

13       Q.    And he came out with \$3,000?

14       A.    And he come out with the money, and then we  
15       probably stopped and paid some bills or did some  
16       grocery shopping right then and there.

17       Q.    So he was able to buy food?

18       A.    Yeah.

19       Q.    Able to pay some bills?

20       A.    Yes.  Primarily the rent.

21       Q.    So it enabled him to stay in his apartment,  
22       correct?

23       A.    Yes.

24       Q.    Did it give him comfort, that \$3,000?

25       A.    Yes.

1 Q. And the \$2,000 as well, right?

2 A. Yes.

3 Q. And did it give you some comfort as well to know  
4 that your friend that was like a brother was able to  
5 stay in his apartment and pay his bills?

6 A. Yes.

7 MR. LEPIZZERA: Thank you, sir. Thank you for  
8 coming in today.

9 THE COURT: Mr. Vilker.

10 **REDIRECT EXAMINATION BY MR. VILKER**

11 Q. I just have a few brief questions,  
12 Mr. Fitzpatrick.

13 MR. VILKER: Bring up Exhibit 11, please. I'd  
14 like to move that full.

15 THE COURT: Any objection?

16 MR. LEPIZZERA: I have a limited objection, your  
17 Honor, which is beyond the scope of cross.

18 THE COURT: It is.

19 MR. VILKER: Okay.

20 THE COURT: So sustained.

21 MR. VILKER: Okay. I'll move on.

22 Q. Mr. Fitzpatrick, Mr. Caramadre's attorney just  
23 asked you that if Mr. Kimball and you understood that  
24 Mr. Kimball's name was going to be on some kind of  
25 investment. You indicated that both of you understood

1 that?

2 A. Yes.

3 Q. Did either you or Mr. Kimball ever understand that  
4 Mr. Caramadre or anyone else stood to make substantial  
5 profits from Mr. Kimball's death?

6 A. No.

7 MR. VILKER: No further questions.

8 THE COURT: Recross?

9 MR. LEPIZZERA: Just on that point.

10 THE COURT: Well, Mr. Radhakrishnan, do you have  
11 any?

12 MR. RADHAKRISHNAN: No, your Honor.

13 THE COURT: Thank you. Mr. Lepizzera.

14 **RECROSS-EXAMINATION BY MR. LEPIZZERA**

15 Q. I'm a lawyer. I can't stop asking questions,  
16 Mr. Fitzpatrick.

17 Mr. Vilker just asked you about whether you and  
18 Mr. Kimball knew that there were going to be profits  
19 made, correct?

20 A. Yes.

21 Q. I think you already testified today that when  
22 Mr. Radhakrishnan explained the program, right, that an  
23 investment would be made, right?

24 A. Yes.

25 Q. This is the investment that Mr. Kimball had agreed

1 to sign onto, right?

2 A. Right.

3 Q. And that money would be put into some investment  
4 vehicle, right?

5 A. Yes.

6 Q. You're not sure about what type of investment  
7 vehicle, but money would be put in an investment,  
8 correct?

9 A. Right.

10 Q. Mr. Radhakrishnan asked you a question about pars  
11 and redemption. I'm going to make it simple for you.

12 You didn't know how much money was going to be  
13 put into the investment, right?

14 A. No.

15 Q. That was never explained, right?

16 A. Right.

17 Q. Let me just give you an example. Okay? If a  
18 million dollars was put into an investment vehicle,  
19 okay, following me?

20 A. Yes.

21 Q. And if that investment dropped down to \$500,000,  
22 okay?

23 A. Yep.

24 Q. And if Mr. Kimball died, right, Mr. Radhakrishnan,  
25 based on what he told you, your understanding was with

1 Mr. Kimball that the investor, that is the person who  
2 put in the original million dollars, would be able to  
3 get their original million dollars back although the  
4 investment dropped down to 500,000, right?

5 A. Yes.

6 Q. And therefore, they would be able to get back  
7 their original million dollars because of Mr. Kimball's  
8 death, correct?

9 A. Yes.

10 Q. And you understood that Mr. Kimball's death would  
11 serve, and I apologize for explaining it like this,  
12 would serve as kind of an insurance policy or back stop  
13 for that investor to save their original principal  
14 investment, right?

15 A. Definitely.

16 Q. Definitely you understood it, and definitely  
17 Mr. Kimball understood that to be, right?

18 A. Yes.

19 Q. He understood that his death or his life would  
20 serve as some kind of back stop to some investor  
21 putting in some money and investing some money,  
22 correct?

23 A. Right.

24 Q. And he was okay with that, wasn't he?

25 A. Yes.

1 Q. And he got \$3,000 in return for that, correct?

2 A. Yes.

3 Q. Now, investors normally don't invest money to lose  
4 money, do they?

5 A. No.

6 Q. Okay. Now, let's take the example of the person  
7 who puts the million dollars in again, okay? As  
8 opposed to that money going down to 500,000, if that  
9 investor puts in a million dollars and it goes up to  
10 \$1.5 million, okay, following me?

11 A. Yes.

12 Q. And Mr. Kimball dies, correct? Who keeps the \$1.5  
13 million that fit into that hypothetical investment?

14 A. The investor.

15 Q. The investor does, right? You don't get it,  
16 right?

17 A. No.

18 Q. Mr. Kimball doesn't get it, correct?

19 A. No.

20 Q. And Mr. Kimball's family doesn't get it; is that  
21 correct?

22 A. No.

23 MR. LEPIZZERA: Thank you, sir.

24 THE COURT: Okay. Thank you. Mr. Fitzpatrick,  
25 your testimony is complete and you may step down.



1 Thank you.

2 THE WITNESS: Thank you.

3 THE COURT: Next witness.

4 MR. McADAMS: The Government calls Wayne Powers.

5 THE COURT: While Mr. Powers is coming in, would  
6 counsel come up for a minute.

7 (Side-bar conference.)

8 THE COURT: I just want to address this hearsay  
9 objection that you raised because I think this is going  
10 to be a continuing issue and the question that you  
11 actually objected to called for not the actual hearsay  
12 statement but whether he knew about such a statement,  
13 and he answered he didn't so he didn't get the next  
14 question. But there's been a bit of hearsay testimony  
15 about what the deceased individual said, which is  
16 coming through spouses, friends or whatever and there  
17 haven't been any objections up to this point.

18 Now, I want to be consistent in my rulings here,  
19 and so it's pretty early, but I was, you know, from the  
20 way things have been developing, I was under the  
21 impression that you all were going to let that kind of  
22 testimony come in. Maybe I'm wrong about that. But I  
23 don't want to be making rulings that are, you know,  
24 selective in one way or another. I want to get a clear  
25 understanding what's going to happen with this kind of

1 testimony because I have a sense there's going to be a  
2 lot more testimony.

3 MR. TRAINI: Judge, I think my concern with that  
4 testimony is that it's the -- if it's a -- let's say  
5 it's a family member who is testifying to something  
6 that deceased person said. That's whatever the  
7 testimony is and we have not been objecting to that,  
8 that's correct.

9 When Mr. Radhakrishnan puts that testimony into  
10 the context of the deceased person saying it but it  
11 comes in as Mr. Radhakrishnan saying didn't that person  
12 say this, now, in a case where the witness answers no,  
13 as Mr. Fitzpatrick did, it doesn't make any difference.  
14 But when it is, it's really the equivalent of  
15 Mr. Radhakrishnan testifying himself to what the person  
16 said. And that's the part that I'm having a problem  
17 with.

18 THE COURT: Well, I didn't perceive that to be  
19 what you were driving at about the objection and I'm  
20 not sure that's correct. I mean, I'm not sure I agree  
21 with that. I think my instructions dealt with that.  
22 We can continue this conversation.

23 MR. LEPIZZERA: It's a little tricky.

24 THE COURT: Yes. But I want consistency.

25 MR. TRAINI: We also don't want to be objecting

1 to things for no reason. I told you I don't want to  
2 slow things down, but my only concern is that I think  
3 it's a very different situation when Mr. Radhakrishnan  
4 is the one who's saying what the person said, again,  
5 outside of court, so it's clearly hearsay. And he's  
6 actually testifying to what the deceased person said,  
7 not the witness.

8 THE COURT: That may depend, too, on how it's  
9 phrased. Okay. I'll keep an eye on that.

10 MR. VILKER: The only thing I can say about that  
11 issue is there's coming in a bigger issue if the  
12 question is what did the deceased person say. It's not  
13 for the truth. It's going to state of mind of what  
14 they thought at the time they signed their agreements.  
15 I don't think there's any hearsay independent of what  
16 Mr. Radhakrishnan is sort of asking. If they said it  
17 was just charity, it's not true that it was just  
18 charity but that's what they thought when they were  
19 signing it.

20 THE COURT: If they're asked whether they made a  
21 statement such as I don't understand what this means or  
22 I do understand what this means, then that is coming in  
23 for its truth and that's pretty important.

24 MR. VILKER: I guess it depends -- I guess it's  
25 for the truth and for their state of mind at the time.

1 MR. THOMPSON: Matter of inquiry is for the  
2 truth and for the state of mind.

3 THE COURT: Same thing. I don't want to belabor  
4 this, but I want to flag it for you because --

5 (End of side-bar conference.)

6 THE COURT: Okay. Let's swear the witness.

7 WAYNE POWERS, first having been duly sworn,  
8 testified as follows:

9 THE CLERK: Please state your name and spell  
10 your last name for the record.

11 THE WITNESS: Wayne R. Powers, P-O-W-E-R-S.

12 THE COURT: Good morning, Mr. Powers.

13 THE WITNESS: Good morning, Judge.

14 THE COURT: And you may inquire, Mr. McAdams.

15 MR. McADAMS: Thank you, your Honor.

16 DIRECT EXAMINATION BY MR. McADAMS

17 Q. Good morning, Mr. Powers.

18 Mr. Powers, where are you from?

19 A. You mean born and raised?

20 Q. Yes.

21 A. Born in Providence, raised in East Greenwich,  
22 living in Bristol.

23 Q. What do you do for a living?

24 A. I'm an advertising products rep.

25 Q. Who do you work for?

1       A.     Right now The Anchor, which is a Catholic paper  
2       for the Fall River Diocese.

3       Q.     Catholic newspaper for the --

4       A.     Yes.

5       Q.     Okay. And did there come a point in time prior to  
6       your employment at the Catholic paper in Fall River  
7       that you worked for the Catholic paper here in Rhode  
8       Island?

9       A.     Yes, I did.

10      Q.     When was that?

11      A.     I worked in Providence from late October 1991,  
12      through late March 2008.

13      Q.     What was the name of that Catholic newspaper at  
14      that time?

15      A.     At the time, when I began it was the Providence  
16      Visitor. When I left, it was the Rhode Island  
17      Catholic. There was a name change.

18      Q.     The name changed from the Providence Visitor to  
19      the Rhode Island Catholic?

20      A.     That's correct.

21      Q.     Approximately when did that name change take  
22      place?

23      A.     I'm trying to -- I'm guessing 2007.

24      Q.     And was there any significant change in that  
25      newspaper when the name changed, or is it essentially

1 the same thing?

2 A. When Bishop Tobin assumed the Providence Diocese,  
3 they decided to rename the paper. When they did that,  
4 there were major personnel changes as well.

5 Q. When the new bishop came to Rhode Island, there  
6 were changes at the Catholic paper in terms of the name  
7 and --

8 A. Eventually there were, yes.

9 Q. And you continued to work there for that period of  
10 time?

11 A. Yes, sir.

12 Q. Are you familiar with the readership of the Rhode  
13 Island Visitor?

14 A. Somewhat, yes.

15 Q. Can you just describe generally to the jury what  
16 the readership market is for that.

17 A. The demographics, circulation is about 27,000.  
18 It's direct mail. I think publish day is still  
19 Thursday. Surveys have shown that Catholic readers  
20 tend to be older, that they tend to earn a little bit  
21 more money than non-Catholic people. Non-Catholic  
22 readers rather, excuse me.

23 Q. So it's a weekly newspaper?

24 A. It's weekly. Every Thursday, as I recall, yes.

25 Q. And the audience is generally people that are

1 practicing Catholics?

2 A. That's correct.

3 Q. And they receive it through the mail?

4 A. Yes.

5 Q. Now, do Catholic newspapers have specific  
6 standards for what they publish?

7 A. In what way?

8 Q. With respect to content?

9 A. Yes. The way it was handled in Providence, as it  
10 is in Fall River, the editor kind of gets together with  
11 the executive editor, who is usually a priest, and they  
12 usually decide the content, any stories, that type of  
13 thing, amongst the two of them.

14 Q. When you were working at the Rhode Island Catholic  
15 in approximately 2007, who was responsible for the  
16 content of the newspaper?

17 A. When they performed the major personnel changes,  
18 they hired someone named Marsha Grant O'Brien, who was  
19 the editor/general manager at the time.

20 Q. Was there a priest who was involved?

21 A. Yes. Father Bernard Healey, who was, I think,  
22 still the current liaison for Governmental Affairs  
23 here, I think, in Rhode Island. He was the more or  
24 less proofreader, so to speak. Between Father Healey  
25 and Michael Guilfoyle, who was the Director of

1 Communications, those two guys more or less proofread  
2 the whole paper every week.

3 Q. To make sure that --

4 A. Correct. To make sure that the stories were  
5 consistent with Catholic teaching, that there was  
6 nothing potentially embarrassing that could be not  
7 caught, so to speak.

8 Q. Now, did that include any type of supervision over  
9 the advertising that was placed in the paper?

10 A. Yes, sir, it did. Again, if any advertising calls  
11 came to the paper, they come to me. Usually, the ads  
12 were okay. But if I'm not sure -- I mean, in the 21  
13 years I've been doing this, if I'm not completely sure  
14 about an ad's content, I will take it to my  
15 supervisors.

16 Q. Now, turning your attention to approximately late  
17 2007, did there come a point in time when an ad was  
18 submitted for publication to the Rhode Island Catholic  
19 regarding money payments that could be given to  
20 terminally ill people?

21 A. Yes, sir.

22 Q. What do you recall about that?

23 A. I know the advertising call came to me. I don't  
24 know if it was directed to me by an office member or  
25 whatnot. But I believe that I spoke to a female who



1 started making the inquiries.

2 Q. Did you ultimately receive like a print version of  
3 the advertisement?

4 A. Yes. When the ad was discussed, I received an  
5 e-mail that actually contained the ad, yes.

6 MR. McADAMS: At this point, I'd like to move  
7 into evidence Government Exhibit 856.

8 MR. LEPIZZERA: No objection.

9 MR. RADHAKRISHNAN: No objection, your Honor.

10 THE COURT: 856 will be full.

11 (Government Exhibit 856 admitted in full.)

12 MR. McADAMS: Publish it, your Honor.

13 THE COURT: Yes.

14 Q. Mr. Powers, this is an e-mail from Mr. Caramadre,  
15 Joseph Caramadre, sent to Raymour on Thursday, October  
16 4th, 2007. And it's got an attachment described as  
17 terminal illness ad 2007.doc, and it says: Raymour,  
18 please find attached draft ad to be submitted later  
19 today. Start working on refining this ad ASAP, and  
20 I'll be in the office about 10:30 a.m. today. Thanks.  
21 Joe.

22 MR. McADAMS: Can we go to the next page,  
23 please.

24 Q. This is the attachment to that particular e-mail.  
25 It says: "Terminal illness in your family? \$2,000

1 immediate cash benefits. A benevolent organization  
2 will provide immediate cash of \$2,000 for qualifying  
3 individuals."

4 THE COURT: I don't think you need to read the  
5 whole ad.

6 MR. McADAMS: Could we have Government Exhibit  
7 Number 1014. I'd like to move this full.

8 MR. LEPIZZERA: No objection.

9 MR. RADHAKRISHNAN: No objection, your Honor.

10 THE COURT: All right. 114 -- is it 114?

11 MR. McADAMS: 1014.

12 THE COURT: 1014 will be full. You may publish  
13 it.

14 MR. McADAMS: Thank you, your Honor.

15 (Government Exhibit 1014 admitted in full.)

16 Q. Mr. Powers, did you maintain records of some of  
17 the ads that you kept over the years at the --

18 A. I maintain records of every ad.

19 Q. Where did you keep those?

20 A. What I do is I divide them into four- or five-week  
21 sections. And then at the end of any given month, I  
22 have a folder that I put all the written information,  
23 dates, times, people I spoke with into that folder in  
24 case there's a problem down the road somewhere.

25 MR. McADAMS: Could we go to the second page of

1 this exhibit, please.

2 Q. Do you recognize that advertisement?

3 A. Yes, sir. That's the ad that came to me in the  
4 e-mail, I believe.

5 Q. How do you remember getting that advertisement?

6 A. I'm sorry?

7 Q. How do you remember getting that advertisement?

8 A. It came to me from an e-mail.

9 Q. What was your reaction when you saw this  
10 particular advertisement?

11 A. Again, you know, in 2007, I'd been doing this for  
12 16 years. And I kind of knew -- it didn't strike me as  
13 being something the Catholic paper would want to  
14 entertain.

15 Q. It did or --

16 A. It did not. I did not. So again, if I'm not  
17 completely sure, as I stated before, about the content  
18 of an ad, I will take it to my superiors.

19 Q. What were your concerns?

20 A. I thought about this, and I just cannot pinpoint  
21 the exact reason, but it just did not read correctly to  
22 me.

23 Q. What, if anything, did you do about it?

24 A. What I did -- again, I'm trying to remember back,  
25 you know, five years ago. But I believe Marsha Grant

1 O'Brien was not around. She was ill, I believe, at the  
2 time, which is why on that ad you placed on the screen,  
3 I had taken it to Mike Guilfoyle. And he told me to  
4 talk with Father Healey about this.

5 Q. You went to your supervisor, the supervisor was  
6 there and they advised that you check with Father  
7 Healey?

8 A. That's correct.

9 MR. McADAMS: Can we go back to the first page,  
10 please.

11 Q. So what did you tell Father Healey?

12 A. This says it. You know, I have an inquiry for an  
13 ad. I'm not quite sure that it's something that we  
14 want to pursue. What do you think about this? That's  
15 essentially what I wrote here.

16 Q. Did you know anything about the advertisement  
17 beyond the print that was actually submitted to you?

18 A. No, sir.

19 Q. When you spoke to somebody, whoever it was that  
20 provided the ad to you, did they give any explanation  
21 as to what this ad was about beyond the print?

22 A. As far as I can recall, no, sir.

23 Q. Did you have any knowledge that people who  
24 responded to that ad would be potentially solicited for  
25 investment purposes?

1 A. No, sir.

2 Q. When you spoke to -- well, first of all, did you  
3 speak to Father Healey?

4 A. Again, he okayed it, so he had to call me on  
5 October 5th of '07 at 3:20, yes, so he told me the ad  
6 is okay to run.

7 Q. So when you spoke to Father Healey, did you say  
8 anything to him to indicate that this was in any way  
9 connected to an investment program?

10 A. Again, I had been there -- no, sir. No. Again, I  
11 had been there long enough he would know that if I'm  
12 contacting him about something, I'm not quite sure this  
13 is right.

14 Q. And it was your understanding that Father Healey  
15 looked at the ad and thought it was okay?

16 A. Yes, sir.

17 MR. McADAMS: Could we go to the next page,  
18 please.

19 Q. Did you end up having a conversation with Father  
20 Healey? Do you have any knowledge why he approved the  
21 ad.

22 A. Again, I do remember that -- I got the impression  
23 that Father Healey actually knew Mr. Caramadre.

24 Q. He was familiar with who Mr. Caramadre was?

25 A. Yes, sir.

1 Q. Did he indicate anything to you that he had any  
2 knowledge that this involved an investment program?

3 A. No, sir, he did not.

4 Q. Now, Mr. Powers, if this ad had indicated that  
5 recipients of -- excuse me, respondents of the ad would  
6 be requested to provide Social Security numbers or  
7 identity information or participate in an investment  
8 program, would you have -- what would your reaction  
9 have been?

10 MR. LEPIZZERA: Objection.

11 THE COURT: Don't answer it. Sustained. Calls  
12 for speculation.

13 MR. McADAMS: I have no further questions of  
14 this witness.

15 THE COURT: Mr. Radhakrishnan.

16 MR. RADHAKRISHNAN: I have no questions for the  
17 witness, your Honor.

18 THE COURT: Mr. Lepizzera.

19 MR. LEPIZZERA: Thank you.

20 **CROSS-EXAMINATION BY MR. LEPIZZERA**

21 Q. Good morning, Mr. Powers.

22 A. Good morning, sir.

23 Q. I represent Mr. Caramadre. I just have a couple  
24 of questions for you.

25 I wasn't sure I heard this correctly. Did you

1 start working -- what company did you work for?

2 A. You mean now or before?

3 Q. No. Back then.

4 A. Providence Visitor hired me. Providence Visitor  
5 was the name of the paper I worked for originally.

6 Q. So you worked directly for the newspaper, correct?  
7 You were employed by the newspaper?

8 A. Yes, sir.

9 Q. Was that 1991 through 2008?

10 A. That's correct.

11 Q. Okay. Very long time, right?

12 A. Correct.

13 Q. And there were protocols at the newspaper as to  
14 what kind of articles went into the newspaper, correct?

15 A. As far as I know.

16 Q. But you worked there for like 17 years, right?

17 A. Advertising and editorial are two different  
18 departments, sir.

19 Q. And advertising as well, right?

20 A. Yes, sir.

21 Q. So if something came across your desk, an  
22 advertisement would come to you?

23 A. Any advertising-related question would come to me,  
24 yes.

25 Q. Would come to you?

1       A.    Yes.

2       Q.    And if you looked at it and it didn't seem right,  
3       you would go to your superiors, correct?

4       A.    That's the rule I still follow today, sir, yes.

5       Q.    Because that was the protocol the Providence  
6       Visitor had back then, right.

7       A.    It may or may not have been. It's my protocol.

8       Q.    But you were the one implementing -- you were the  
9       one running the program, right, in terms of -- you were  
10      the one checking the ads, right?

11      A.    What do you mean "checking," sir?

12      Q.    In other words, if an advertisement came into the  
13      Providence Visitor seeking to be published in the  
14      Providence Visitor, it would come through you, right?

15      A.    That's correct.

16      Q.    And you would either approve it and allow it to be  
17      published in the Providence Visitor, right?

18      A.    Not necessarily.

19      Q.    Or you would check with the executive director or  
20      someone else, right?

21      A.    If we're talking about an ad for a Catholic open  
22      house for a high school, that's fine.

23      Q.    Right. Because you can approve that? That on its  
24      face, you can approve that on your own, right?

25      A.    Yes, sir. In fact, you know, when I look for



1 various other leads in my business, if there's  
2 something I'm not sure about, even if it's a brand new  
3 advertiser, I'll seek permission to talk to those  
4 people if I have to.

5 Q. So if it wasn't something that you could just  
6 automatically approve, you would go to someone else,  
7 right?

8 A. If I'm not a thousand percent sure of the ad  
9 content, that's what I do.

10 Q. What I mean by a protocol, it may not be a written  
11 protocol, but it's something that you would, your  
12 policy --

13 A. My personal policy, that's correct. And even if  
14 an ad does make it into the newspaper, as I said  
15 before, it's proofread page to page, comma to comma,  
16 you know, they cross the T's, dot the I's. And even  
17 though the ad might have been in there at one point, it  
18 could always be removed if the supervisors remove it.

19 MR. LEPIZZERA: Can we bring up, please,  
20 Ms. Anderson, Exhibit 1014, page two, please.

21 Q. So when this proposed ad came in, Mr. Powers,  
22 right, you didn't automatically approve it, did you?  
23 In other words, you didn't automatically say to  
24 yourself, I'm going to allow this to be published in  
25 the Providence Visitor, right?

1 A. That's correct.

2 Q. And you followed your normal practice and  
3 procedure in terms of approving or disapproving or  
4 going through a routine of whether or not you're going  
5 to allow --

6 A. I'm trying to err on the side of caution.

7 Q. In fact, you did err on the side of caution with  
8 respect to this proposed ad, right?

9 A. I believe I did.

10 Q. The executive director was Marsha who?

11 A. Marsha Grant O'Brien, I believe her name was.

12 Q. And I think you testified that she wasn't  
13 available at the time?

14 A. You know, I can't remember that. If I went to  
15 Michael Guilfoyle, then she was not available.

16 Q. That's fine. We accept -- we understand it's a  
17 long time ago.

18 So you know you went to Michael Guilfoyle,  
19 right?

20 A. Correct.

21 Q. By the way, I don't think you told the jury, who  
22 is Michael Guilfoyle?

23 A. He is the director of communications for this  
24 Diocese.

25 Q. For the Diocese of Providence, right?

1       A.    Yes.  Last time I checked.  The last I know, I  
2       believe that's the case.

3       Q.    Okay.  And back in late 2007, was that also his  
4       position back then?

5       A.    You know, I cannot remember the exact date he came  
6       on board.

7       Q.    But your practice and procedure was if the  
8       executive director wasn't around, that you would go to  
9       Michael Guilfoyle, right?

10      A.    That's not necessarily true.  In Marsha's absence,  
11      I think Michael Guilfoyle and Father -- I think Father  
12      Healey would have, too.  Again, Father Healey, as far  
13      as I understood it, had the final say on the final  
14      product.  So if Marsha wasn't around, I mean, Michael  
15      would come over and proof everything with Father  
16      Healey.

17      Q.    Could you just take a look at that.  By the way, I  
18      just want the record to be clear, that's your fax that  
19      you sent to Father Healey, correct?

20      A.    That's correct.

21      Q.    In fact, on October 5th, 2007, right?

22      A.    Correct.

23      Q.    This was your fax and it was attached, and page  
24      two is attaching the proposed ad?

25      A.    That's correct.

1 Q. By reading this, does this refresh your memory  
2 that you went to Michael Guilfoyle first, right?  
3 Correct?

4 A. Correct.

5 Q. And Mr. Guilfoyle told you to check with Father  
6 Healey?

7 A. That's what it says.

8 Q. And that's consistent with your practice and  
9 procedure back then, right?

10 A. Yes, sir.

11 Q. You followed your practice and procedure with  
12 respect to this ad, right?

13 A. I believe -- I hope I did.

14 Q. And you forwarded the proposed ad to Father  
15 Healey, right?

16 A. Correct.

17 Q. And look up in the right-hand corner. Does it say  
18 "Okay per Father Healey by phone, 10/5/07, 3:20 p.m.?"

19 A. That's correct.

20 Q. Is that your note that you put on this fax?

21 A. Yes, sir.

22 Q. So am I to take from that, that after you  
23 forwarded this fax to Father Healey, at some point  
24 thereafter you had a phone conversation with Father  
25 Healey, right?

1 A. Correct.

2 Q. And Father Healey explained that he received your  
3 fax and he looked at the proposed ad, right?

4 A. Correct.

5 Q. And he gave you the okay and the Providence  
6 Visitor the okay to publish this proposed ad in the  
7 Providence Visitor, right?

8 A. That's what I get from this, yes.

9 Q. All consistent with your practice and procedure  
10 back in late 2007, correct?

11 A. Yes.

12 MR. LEPIZZERA: Thank you.

13 THE COURT: Any redirect?

14 MR. McADAMS: Briefly, your Honor.

15 **REDIRECT EXAMINATION BY MR. McADAMS**

16 Q. Just to go back to Exhibit 1014, the first page.  
17 Mr. Lepizzera just asked you some questions about this  
18 fax that you had sent to Father Healey. It indicates  
19 here that you had spoken to Mr. Caramadre and he wants  
20 to run this ad for two weeks; is that correct?

21 A. Again, I can't remember if it was Mr. Caramadre or  
22 the female I mentioned earlier calling on his behalf.  
23 It might have been from him; it might not have. I  
24 don't think it was from him.

25 Q. It was your understanding that the intention was

1 to run the ad for two weeks?

2 A. That's correct.

3 Q. How much money would that cost?

4 A. That ad was \$280 per insertion so you're looking  
5 at \$560 for the two weeks.

6 Q. So \$560?

7 A. For those two weeks, that's correct.

8 Q. How long did the ad actually run?

9 A. The ad actually ran 23 weeks.

10 Q. When you spoke to Father Healey, you had told him  
11 that you expected it to be two weeks?

12 A. That's correct.

13 Q. So his approval was based on an expectation of a  
14 two-week ad from a philanthropist?

15 A. That is correct. But again, usually if the ad is  
16 approved, it's approved. And if it runs twice or 22 or  
17 222 times, I'm assuming that it's okay.

18 Q. You don't go back and check every --

19 A. No, sir. If the content had changed, I would have  
20 made a second request. The content did not change so I  
21 assumed it was okay to continue to run.

22 Q. How long did you stay at the Providence Catholic  
23 in 2007?

24 A. I'm not sure I understand the question.

25 Q. Did you continue to work at the Providence

1 Catholic the entire year?

2 A. Yes. I left in March of '08.

3 MR. McADAMS: In March of '08. Okay.

4 Can we pull up Exhibit 486, please.

5 Q. Do you see this ad in the lower right corner?

6 A. Yes, sir.

7 Q. Okay. Do you notice that there's some changes in  
8 that particular version of the ad?

9 A. Offhand, I don't.

10 Q. It now indicates local member of the Providence  
11 Diocese and church benefactor. Do you recall that  
12 that's a change as opposed to --

13 A. But again, sir, I'm gone by then.

14 MR. McADAMS: Can we go up to the upper corner  
15 of this exhibit.

16 Q. So this version of the ad ran in June of '08,  
17 that's after you left?

18 A. Yes, sir.

19 Q. Do you have any idea what types of approvals were  
20 made for this change?

21 A. No, sir, I do not.

22 MR. McADAMS: No additional questions.

23 THE COURT: Thank you.

24 Recross Mr. Lepizzera.

25 MR. LEPIZZERA: No, your Honor.

1 THE COURT: Mr. Powers, your testimony is  
2 complete. You may step down. Thank you.

3 Next witness.

4 MR. VILKER: United States calls Ellen Healy.

5 THE COURT: While we're waiting for that  
6 witness, Counsel, I'm just going to assume that when  
7 you offer an exhibit and when you state no objection,  
8 it if it's a multi-page exhibit that you are familiar  
9 with all pages of the exhibit and you're not objecting  
10 to anything in the exhibit.

11 MR. LEPIZZERA: I am, your Honor. I'm very  
12 familiar with the documents.

13 THE COURT: I know you are, and I just want to  
14 be clear that that's what's going on.

15 MR. LEPIZZERA: Thank you, your Honor.

16 ELLEN HEALY, first having been duly sworn,  
17 testified as follows:

18 THE CLERK: Please state your name and spell  
19 your last name for the record.

20 THE WITNESS: Ellen Healy, H-E-A-L-Y.

21 THE COURT: Good morning, Ms. Healy.

22 THE WITNESS: Good morning.

23 THE COURT: You may inquire, Mr. Vilker.

24 DIRECT EXAMINATION BY MR. VILKER

25 Q. Good morning, Ms. Healy.



1 A. Good morning.

2 Q. Ms. Healy, where do you currently work?

3 A. Women and Infants Hospital.

4 Q. What's your position there?

5 A. I'm a social worker in the inpatient and oncology  
6 unit.

7 Q. So you're a social worker?

8 A. Yes.

9 Q. How long have you been a social worker?

10 A. How long have I been a social worker? Since 1978.

11 Q. How long have you been at Women and Infants?

12 A. Twelve years.

13 Q. You say you're on the inpatient oncology unit?

14 A. Yes.

15 Q. What is the inpatient oncology unit?

16 A. It is an inpatient hospital unit that is dedicated  
17 to the care of women with cancer.

18 Q. So what do you do as a social worker to help these  
19 patients that are suffering from cancer?

20 A. Essentially, what I do is see the patient, do a  
21 mental health assessment on her; and I work with the  
22 families during the course of the illness, which is  
23 usually at point of diagnosis, when there's a  
24 complication, or nearing end of life.

25 Q. Now, I want to turn your attention to the

1 beginning of 2008. Did there come a point in time  
2 around that time period in which you learned that there  
3 was some program that might be available to give funds  
4 to people who were suffering from a terminal illness?

5 A. Yes.

6 Q. How did you learn that?

7 A. One of the physical therapists at the hospital had  
8 shown me an ad that ran in the Providence Journal  
9 helping people who are terminally ill.

10 Q. When you say the Providence Journal --

11 A. I'm sorry. The Providence Visitor. Excuse me.

12 Q. What was your understanding of what the Providence  
13 Visitor was?

14 A. Catholic newspaper that was put out by the  
15 Diocese.

16 Q. Did you actually see a copy of the ad?

17 A. Yes, I did.

18 MR. VILKER: I'd like to bring up Exhibit 46,  
19 please. I believe it's already full.

20 Q. I know the date is from June of 2008, but if you  
21 look at the bottom right corner, does that appear to be  
22 similar to the ad that you saw?

23 A. Yes.

24 Q. So when you saw this ad that first time, what was  
25 your reaction?

1       A.    Well, I work with a lot of terminally ill people  
2       who have been devastated by their cancer financially  
3       and every other way, and I thought \$2,000 for them  
4       would be very helpful.

5       Q.    Did you have any concerns about this program when  
6       you saw this ad?

7       A.    Well, you know, you have to wonder why people are  
8       giving money away; but in all honesty, it was running  
9       in the Visitor, and I was raised a Catholic so it  
10      really didn't raise a whole lot of red flags.

11      Q.    Did you call the phone number on the advertisement  
12      to get further information?

13      A.    Yes, I did.

14      Q.    And do you recall who you spoke with?

15      A.    I believe after the receptionist, I believe I  
16      spoke with Raymour.

17      Q.    And you knew him as Raymour?

18      A.    Yes.

19      Q.    So I'll refer to him as Raymour since that's how  
20      you knew him.

21      A.    I'm not good with having to remember last names.  
22      I'm sorry.

23      Q.    Okay. Sure. So did you -- what do you remember  
24      yourself asking Raymour during that phone conversation  
25      when you called the number?

1       A.    I think I asked what was the program about, why  
2       was it -- why was it being done and offered to people.  
3       And I think I asked if there was a catch.

4       Q.    So when you asked if there was a catch, how did he  
5       respond?

6       A.    He emphatically said, no, there was no catch, and  
7       that it was simply a philan -- you know what I mean.  
8       I'm not too nervous.

9       Q.    You don't have to be nervous.

10      A.    It was a program to help people, simply to help  
11      people, which, you know, I thought was a very good  
12      thing.

13      Q.    Okay. And did he say anything in that  
14      conversation that would in any way suggest that  
15      patients would be asked to provide their  
16      identification, like Social Security numbers and dates  
17      of birth or anything like that?

18      A.    No.

19      Q.    Did he say anything in that conversation that  
20      suggested that patients may be asked to have accounts  
21      or annuities opened up in their names?

22      A.    No.

23      Q.    Did he say anything about who's the person funding  
24      this program?

25      A.    He told me it was a gentleman, Mr. Caramadre, who

1 had been financially successful and wished to give back  
2 to people who were terminally ill.

3 Q. Had you heard of Mr. Caramadre beforehand?

4 A. No.

5 Q. Now, was there -- how did this conversation end,  
6 this phone conversation?

7 A. I'm not sure if I actually gave him a referral  
8 that day or if it was at a later date.

9 Q. Was there a time that you met with Raymour in  
10 person?

11 A. Yes.

12 Q. Okay. And how did that come about?

13 A. I had a woman in need, and I called, and I  
14 arranged to meet him I believe outside of her room.  
15 And he came. We sat and talked for a little bit, and I  
16 brought her in, introduced him, and he explained to her  
17 the program.

18 Q. Let me just take it one step at a time there. Is  
19 there a particular floor at Women and Infants where the  
20 oncology unit is?

21 A. The fourth floor in the main building.

22 Q. How would Raymour have been able to get to the  
23 fourth floor to meet with you in the first place?

24 A. He would have to stop at security, and then he  
25 would come up to meet me.

1 Q. So you would be told that someone was coming up to  
2 meet with you?

3 A. I believe at the time we had a different system.  
4 And once you change, it's hard to remember exactly what  
5 the old system was, but I believe people checked in and  
6 then just came up.

7 Q. So you remember him coming up to the fourth floor.  
8 And that was the first time you met him?

9 A. Yes.

10 Q. So did you then have an additional in-person  
11 conversation with him before you took him to meet your  
12 patient?

13 A. The first time, yes. I think it was hi, how are  
14 you, and I explained that this woman was in need.

15 Q. Did you go somewhere in the hospital and sit down  
16 and talk with him?

17 A. Yeah. There's a little lounge right at the end of  
18 the hallway, and we sat there for a minute.

19 Q. You did this before you took him to meet the  
20 patient?

21 A. Yes.

22 Q. Why during this first time did you want to have  
23 another discussion with him?

24 A. Well, I felt like I was introducing him to one of  
25 my patients, and I felt that I should just kind of know

1 him a little bit.

2 Q. What do you remember you asking and him saying  
3 during this conversation?

4 A. I think we just talked a little bit about the  
5 program, why Mr. Caramadre was interested in doing it;  
6 and I believe I did ask him again if there was a catch,  
7 and he reassured me that, no, it was simply  
8 Mr. Caramadre wanting to do a kind act for people.

9 Q. Did he say anything during this conversation that  
10 would indicate that he may be asking the patients in  
11 the oncology unit to open up some kind of account or  
12 annuity in their name?

13 A. No.

14 Q. If he had told you that, what would your reaction  
15 have been?

16 A. I think I would have asked him to leave because  
17 that's not what we had agreed on.

18 Q. That same day, you took Raymour into the room of  
19 one your patients?

20 A. Yes.

21 Q. And what do you remember happening when he went  
22 into the room?

23 A. It was very simple. I introduced him to the  
24 patient. He had a paper that simply asked -- I think  
25 it was just name and address and did a physician say

1 she had, I believe, less than four months to live. And  
2 the patient said yes, and he wrote a check for \$2,000  
3 and handed it to her. And he wished her well, wished  
4 her peace and left.

5 Q. Did he say anything in that meeting with this  
6 particular patient about any kind of investment  
7 opportunity or an account being opened in her name or  
8 anything like that?

9 A. No.

10 Q. Now, were there other patients that as time went  
11 on you called Raymour about?

12 A. Yes.

13 Q. Approximately how many of them would you estimate?

14 A. I believe four or five.

15 Q. What would generally be your practice -- what kind  
16 of patients would you be looking for to refer to  
17 Raymour?

18 A. People who were really in dire straits. People  
19 who had really been very badly financially hit by their  
20 illness.

21 Q. And they were also, obviously, very, very sick at  
22 the time?

23 A. Very ill, yes.

24 Q. Okay. So what would happen -- if you'd come  
25 across another patient who was in this terrible



1 situation, you would just call Raymour again?

2 A. Yeah.

3 Q. Did you have his direct number or did you just  
4 call the office number?

5 A. I'd just call the office and was put through to  
6 his voicemail.

7 Q. And what would you generally tell Raymour during  
8 these phone conversations?

9 A. That unfortunately I had somebody else that could  
10 benefit from this money.

11 Q. And then would there be a meeting set up?

12 A. At that point, you know, I would meet him at the  
13 room and go in and introduce him to the patient or the  
14 patient to him. And that's what we did.

15 Q. Was it your understanding that you would be there  
16 each time that Raymour met with a patient?

17 A. As far as I recall, I believe that's how we did  
18 it, yeah.

19 Q. What do you mean by that?

20 A. I don't recall ever saying, Oh, go on up on your  
21 own. I wouldn't do that.

22 Q. You would want to be there every time one of your  
23 patients --

24 A. Yeah. I'm a little protective.

25 Q. Were you ever made aware prior to your discussions

1 with the Government of Raymour meeting with any of your  
2 patients without you being there?

3 A. No.

4 Q. Now, was one of your patients back in 2008 a woman  
5 named Sonia Gonzalez?

6 A. Yes.

7 Q. And what was her situation like at that time?

8 A. She was very near end of life. Unfortunately, she  
9 and her family had been devastated by her illness, and  
10 I know she had young children and she was very, very  
11 close to the end of her life.

12 Q. And do you remember her husband being there with  
13 her?

14 A. Yes.

15 Q. Now, did there come a point in time in which you  
16 called Raymour about Sonia Gonzalez?

17 A. Yes.

18 Q. What would you have told him?

19 A. That unfortunately I had someone who would really  
20 be able to use those funds.

21 Q. Because she was very sick and they were  
22 struggling?

23 A. Yes. Struggling financially and, you know, her  
24 family was struggling as well.

25 Q. Did you set up a time where Raymour would come and

1 go with you to meet with Sonia Gonzalez and her family?

2 A. Yes.

3 MR. VILKER: I'd like to bring up Exhibit 96,  
4 please, and ask that that be moved full.

5 MR. LEPIZZERA: No objection.

6 MR. RADHAKRISHNAN: No objection, your Honor.

7 THE COURT: 96 will be full.

8 (Government Exhibit 96 admitted in full.)

9 Q. Exhibit 96, Ms. Healy, are notes that were  
10 provided by Estate Planning Resources. And the top  
11 part of it appears to be an index card that says Women  
12 and Infants, Sonia Gonzalez, Room 410, and then it has  
13 your name, Ellen Healy, and then a phone number.  
14 What's that phone number, the 274 number?

15 A. The 274-1122 number is the hospital number and the  
16 1616 is my extension.

17 Q. What about the number above that where there's an  
18 extension 2460?

19 A. I have no idea.

20 Q. Those are numbers that would go to Women and  
21 Infants?

22 A. Yeah. I don't know about the 2460, but, yeah.

23 Q. It then says Sonia Gonzalez, Room 410, noon. Was  
24 410 a room that --

25 A. It's actually 4110, but yeah.

1 Q. It should be 4110?

2 A. Yes.

3 Q. And did you tell -- when you spoke to Raymour on  
4 the phone, did you tell him what room Sonia Gonzalez  
5 was in?

6 A. I may have. I honestly don't remember, but I know  
7 that I met him outside the room.

8 Q. And it sounds right that was about 12 o'clock that  
9 you met him?

10 A. I don't remember. It could have been.

11 Q. Okay. So he would have come up after going  
12 through security and met with you on the fourth floor?

13 A. Yes.

14 Q. And then you went with him in to meet with Sonia  
15 Gonzalez?

16 A. Yes.

17 Q. Now, the bottom part of this document has some  
18 information about Sonia. It has her name, her address,  
19 her date of birth, her mother's maiden name and her  
20 Social Security number.

21 Do you recall Raymour asking any questions when  
22 he went in and talked to Sonia about her identity  
23 information?

24 A. No. He asked her name and her address, I believe.

25 Q. So that's my next question. You're walking with

1 Raymour to this meeting with Sonia, and who else was in  
2 the room?

3 A. There were a lot of people in the room. I believe  
4 her husband was there. I think one or some of her  
5 children, and some other people that I'm not exactly  
6 sure who all was there.

7 Q. So what do you remember Raymour saying when he  
8 walked into this hospital room and -- first of all,  
9 I've already asked that question. If you can remember,  
10 what was Sonia's condition like that day?

11 A. As I recall, she was having some difficulty  
12 breathing and she had like a face mask on for oxygen  
13 and was a little bit restless.

14 Q. And what do you remember Raymour saying when he  
15 came into the room that day?

16 A. I introduced them and I believe he, you know, from  
17 what I remember, the usual. Hi, Sonia. You know, I am  
18 part of this program, and we'd like to help you. I  
19 just need to know your name and address -- I think date  
20 of birth, and did a doctor tell you you have less than  
21 four months to live.

22 Q. Did she respond that she had that diagnosis?

23 A. Yes.

24 Q. In fact, she ended up passing away very soon  
25 afterwards?

1 A. Very soon after.

2 Q. And did Raymour say anything in that meeting about  
3 any kind of account being opened in her name?

4 A. Not that I remember, no.

5 Q. Would that have been something that would have  
6 stuck in your memory?

7 A. Yes.

8 Q. You thought all along this is just a generous  
9 person giving money to people who were very sick?

10 A. Yes.

11 Q. Now, did Raymour have a piece of paper that he  
12 wanted Sonia to sign?

13 A. Yes.

14 MR. VILKER: I'd like to bring up Exhibit 98 and  
15 ask that be moved full.

16 MR. LEPIZZERA: No objection.

17 MR. RADHAKRISHNAN: No objection, your Honor.

18 THE COURT: 98 will be full.

19 (Government Exhibit 98 admitted in full.)

20 Q. This is a terminal illness philanthropy receipt  
21 and it indicates that Sonia Gonzalez received \$2,000.  
22 And it indicates the date is April 3rd, 2008. Is that  
23 your recollection of about when this would have taken  
24 place?

25 A. As well as I can remember, yeah. I mean, I can

1 tell you the year and probably the month.

2 Q. Okay. But around that time is when it took place?

3 A. Yes.

4 Q. And do you remember Raymour presenting this  
5 document to Sonia to sign?

6 A. Vaguely, yes.

7 Q. Had you seen this type of document before with  
8 your other patients?

9 A. Yes.

10 Q. What was your understanding of what this document  
11 was for?

12 A. It was simply for them to know who they were  
13 giving the money to and that they were told that they  
14 were terminally ill.

15 Q. Okay. Did you ever -- were you ever there when  
16 Raymour presented any other documents for either Sonia  
17 or any of your patients to sign?

18 A. No.

19 Q. So your understanding is that this receipt was the  
20 only document that was being asked of your patients to  
21 sign?

22 A. Yes.

23 Q. Now, you said this happened about four or five  
24 times?

25 A. Yes.

1 Q. And was it basically the same pattern in each  
2 time?

3 A. Yes.

4 Q. Did Raymour ever explain to any of the people that  
5 you were bringing him to meet that there could be some  
6 kind of account or annuity that would be opened in  
7 their names?

8 A. No.

9 Q. Did he ever explain that someone else, whether it  
10 be Mr. Caramadre or another individual, could  
11 financially benefit from their deaths?

12 A. No.

13 Q. Now, specifically, with regard to Sonia Gonzalez,  
14 you were there for that meeting. Did you have any idea  
15 one way or the other whether Raymour ever came back and  
16 met with Sonia without you being present?

17 A. I have no knowledge of that, no.

18 Q. Would you have wanted to be present at the second  
19 meeting?

20 A. Yes.

21 Q. Did Raymour ever call you and say, I want to meet  
22 again with Sonia --

23 A. No.

24 Q. Let me just finish. I want to meet again with  
25 Sonia, can you be there for this meeting?



1 A. No, he never did.

2 Q. Did Raymour ever say anything about he was going  
3 to ask Sonia or her family members to open up some kind  
4 of account in her name?

5 A. No.

6 Q. Now, after referring these four or five patients  
7 that you referred to Raymour and meeting with him when  
8 he was there with your patients, was there a time,  
9 after some time passed, that you called back into the  
10 office and spoke with Raymour?

11 A. Yes.

12 Q. And why did you do this?

13 A. I had somebody else that I wanted to refer.

14 Q. This was some time after Sonia?

15 A. Yeah.

16 Q. Okay. And did you speak with Raymour that time?

17 A. Yes. Yes, I did.

18 Q. And what did he tell you about whether this  
19 program was still in existence?

20 A. He told me that it was put on hold, and that some  
21 people were lying about their health to get the money.  
22 And at one point, he told me that there were rumors  
23 that Mr. Caramadre was dead so they were revamping the  
24 program.

25 Q. But did he tell you that these rumors were

1 inaccurate, that he wasn't actually dead?

2 A. Yeah. He told me that Mr. Caramadre was alive.

3 Q. He told you that the program had been stopped  
4 because some people were getting money who really  
5 weren't terminally ill?

6 A. Yes.

7 Q. And that there were rumors out there that the  
8 program had been stopped because Mr. Caramadre himself  
9 had passed away?

10 A. Yes.

11 MR. VILKER: No further questions.

12 THE COURT: Thank you, Mr. Vilker.

13 Mr. Radhakrishnan?

14 MR. RADHAKRISHNAN: Yes, one moment, please,  
15 your Honor.

16 **CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

17 Q. Good morning, Ms. Healy. Nice to see you again.  
18 Thank you for coming in this morning.

19 Very quickly, I just want to go over a couple of  
20 quick facts with you, please. You had mentioned that  
21 there were a number of different people that you would  
22 call me up about; is that correct?

23 A. Yes.

24 Q. Okay. And one of those people was a Ms. Ora  
25 Spicer; is that correct?

1 A. Yes.

2 Q. And you had asked me about -- you had testified  
3 that you had specifically asked me if there was any  
4 catch to that \$2,000 check; is that correct?

5 A. I believe so, yes.

6 Q. And that was because you were a little bit  
7 skeptical of somebody giving away \$2,000; is that  
8 correct?

9 A. Yes.

10 Q. Yes. Okay. And to your knowledge, was there any  
11 catch for that \$2,000 when somebody signed?

12 A. No.

13 Q. No. Okay. Now, let me ask you this. You had  
14 testified that when Ms. Gonzalez and I had first  
15 initially met, there were other people in the room; is  
16 that correct?

17 A. Yes.

18 Q. Okay. And who was in the room, to the best of  
19 your knowledge, if you could repeat that again, please?

20 A. I think her husband. Maybe one of her sisters.  
21 I'm not really sure. And I believe either one or some  
22 of her children, but there were several people there.

23 Q. Okay. And did those people -- did they have to  
24 get permission to go into that room from either the  
25 hospital or the nursing staff? Would they need to get

1 permission to be there in that room with her?

2 A. They had to pass through security.

3 Q. And you had mentioned that there may or may not  
4 have been a change in security since back in 2008?

5 A. There had been.

6 Q. But at that time, they didn't need any specific  
7 permission to be in a room; is that correct? Meaning  
8 Ms. Gonzalez didn't have to get permission from  
9 security to have any person in that room, a guest for  
10 that matter?

11 A. Right. But they did have to go through security.

12 Q. Right. Understood.

13 MR. RADHAKRISHNAN: Okay. Give me one quick  
14 second here.

15 I think that's all. Thank you very much. I  
16 appreciate it.

17 THE COURT: Thank you, Mr. Radhakrishnan.

18 Mr. Lepizzera?

19 **CROSS-EXAMINATION BY MR. LEPIZZERA**

20 Q. Good morning, Mrs. Healy -- is it Mrs. Healy?

21 A. Ms.

22 Q. Ms. Healy. I just have a couple of questions for  
23 you. I represent Mr. Caramadre. Okay?

24 Ms. Healy, you never met Mr. Caramadre, correct?

25 A. Correct.

1 Q. And you never spoke to Mr. Caramadre on the phone,  
2 did you?

3 A. Never.

4 Q. All of your communications were with  
5 Mr. Radhakrishnan, let me say Raymour, right?

6 A. Yes.

7 Q. I'm kind of bad with last names, too.

8 Now, Mr. Radhakrishnan -- you were a little  
9 skeptical, and you wanted to know who was actually  
10 giving the money away, correct?

11 A. Yes.

12 Q. And you, in fact, asked Mr. Radhakrishnan --  
13 sorry, Raymour, you asked Raymour who is giving this  
14 money away, right?

15 A. Yes.

16 Q. And Raymour freely told you it was Mr. Caramadre,  
17 correct?

18 A. Yes.

19 Q. He identified him as a philanthropist, correct?

20 A. Yes.

21 Q. He identified him by name, correct?

22 A. He did.

23 Q. And did he mention he was a lawyer, by the way?

24 A. I don't recall specifically. I think he may have.

25 Q. The point is he identified the person who was

1 giving the money away, right?

2 A. Yes.

3 Q. And you testified that besides Sonia Gonzalez,  
4 there might have been four or five other was it women  
5 or patients?

6 A. All women.

7 Q. They were all women. Okay. You referred four or  
8 five other women to Raymour, correct?

9 A. Yes.

10 Q. And you didn't just refer anyone, correct?

11 A. Correct.

12 Q. In other words, you referred people that were  
13 really in need, right?

14 A. Yes.

15 Q. At the end of their life?

16 A. Yes.

17 Q. And you understood that the program was that  
18 Mr. Caramadre was giving money away to patients that  
19 had three to six months to live?

20 A. Yes.

21 Q. Those were the type of patients that you thought  
22 of and called Raymour to see if you could get money for  
23 them, right?

24 A. Yes.

25 Q. Because they were at the end of their life, right?

1 A. Yes.

2 Q. Their family was in need of the money?

3 A. Yes.

4 Q. And you thought it was important for them to get  
5 the money, correct?

6 A. Yes.

7 Q. And when you identified those people, you would  
8 call Raymour, right?

9 A. Yes.

10 Q. And you would let him know I have an individual I  
11 think would qualify for your program, right?

12 A. Yes.

13 Q. Besides the last time, the last patient you  
14 identified for Mr. Vilker that when the program was  
15 closed down, put that one aside, but the five or six  
16 people that when you had called Raymour and said these  
17 people are in need, Raymour came to the hospital,  
18 didn't he?

19 A. Yes, he did.

20 Q. And Raymour came with \$2,000 for those  
21 individuals, didn't he?

22 A. Yes, he did.

23 Q. In fact, I think you testified that when Raymour  
24 met with Ms. Gonzalez that he actually wrote out the  
25 check, didn't he?

1 A. Yes. To my memory. I -- yes.

2 Q. It's over four-and-a-half years ago, right?

3 A. Yes.

4 Q. But to your memory, the best of your memory, that  
5 Raymour actually took a pen and he wrote out the  
6 check --

7 A. Yes.

8 Q. -- for \$2,000, right?

9 A. Yes.

10 Q. She was in bad condition, wasn't she,  
11 Mrs. Gonzalez?

12 A. Yes.

13 Q. She had a mask on at the time?

14 A. Yes.

15 MR. LEPIZZERA: Ms. Anderson, could we bring up  
16 Exhibit 98, please.

17 Q. Do you see that on the screen, Ms. Healy?

18 A. Yes, I do.

19 Q. This was the type of form that Raymour would bring  
20 in to the patient you referred over to Mr. Caramadre,  
21 correct?

22 A. Yes.

23 Q. And you were very protective of your patients,  
24 right?

25 A. Yes.



1 Q. You actually -- I don't know if you testified to  
2 this, but did you read this form before it was  
3 presented to the patient?

4 A. Yes.

5 Q. Because you're protective of your patients, right?

6 A. Yes.

7 Q. And this is the very form that he would present to  
8 all the patients, right?

9 A. Yes.

10 Q. See in the right-hand corner where it says  
11 "recipient"? Actually, let me back up.

12 A. Down at the bottom?

13 Q. I'm sorry. Let me back up. Let's go up to the  
14 top. Do you see where it says Sonia L. Gonzalez?

15 A. Yes.

16 Q. That's the Mrs. Gonzalez you had referred over to  
17 Raymour and Mr. Caramadre, correct?

18 A. Yes.

19 Q. And down in the right-hand corner where it says  
20 "recipient," there's a signature there, correct?

21 A. Yes.

22 Q. Did Mrs. Gonzalez actually sign that document?

23 A. To the best of my recollection, she did, but I  
24 cannot say with all certainty that she did because  
25 there were a lot of people in the room that day and I

1 know I was very, very busy that day. And I think  
2 because there was so many people I cannot say with a  
3 hundred -- I can't say with a hundred percent certainty  
4 she did. I believe she did.

5 Q. You believe she did?

6 A. But she may not -- you know.

7 Q. Did Raymour -- strike that. Raymour had a  
8 conversation with Mrs. Gonzalez, right?

9 A. It was very brief, yes.

10 Q. Very brief. I think you testified he went over to  
11 her, said I have a check for you for \$2,000, right?

12 A. Yes.

13 Q. He wrote the check out?

14 A. Yes.

15 Q. And he gives her the check, right?

16 A. Yes.

17 Q. And I know you're not a hundred percent sure, but  
18 his practice or what you observed was that he would  
19 actually present this philanthropic account receipt  
20 form to the individual for signature, right?

21 A. Yes.

22 Q. Mr. Vilker went over this particular document with  
23 you. He went over the top part that talked about --  
24 that addresses -- do you see where it says Ellen Healy?

25 A. I do.

1 Q. And that's you, right?

2 A. It is.

3 Q. And the hospital phone number?

4 A. Yes.

5 Q. And there's an extension there, right?

6 A. Yes.

7 Q. Do you see where it says "Sonia Libertad  
8 Gonzalez," right?

9 A. Yes.

10 Q. And then it has an address, right?

11 A. Yes.

12 Q. And then it has underneath that, date of birth?

13 A. Yes.

14 Q. And then mother's maiden name?

15 A. Yes.

16 Q. Says De La Cruz, right?

17 A. It does.

18 Q. And then it has a Social Security number that the  
19 first couple of digits are redacted, right?

20 A. Yes.

21 Q. Your memory is that when Raymour had that  
22 conversation with Mrs. Gonzalez, he didn't ask her --  
23 he might have asked her home address?

24 A. I believe he asked her the home address, but that  
25 was it. And maybe the date of birth?

1 MR. LEPIZZERA: Can we put Exhibit 98 next to  
2 this, please.

3 Q. If you could take a look at the Exhibit 98. Do  
4 you see where it says at the top Sonia L. Gonzalez?

5 A. Yes.

6 Q. It actually has the address there, right?

7 A. Yes.

8 Q. So does that refresh your recollection that  
9 possibly Raymour had asked for her home address and she  
10 gave it to him?

11 A. Yes.

12 Q. Because this particular form was actually  
13 presented to Mrs. Gonzalez on or about April 3rd, 2008,  
14 when Raymour presented the \$2,000 check, correct?

15 A. Yes.

16 Q. And you said he may have asked for her date of  
17 birth, right?

18 A. He may have, but I don't remember him asking for  
19 dates of birth.

20 Q. That may not have happened, right?

21 A. Right.

22 Q. And when you say you don't remember him asking for  
23 dates of birth, it's not only whether he asked  
24 Mrs. Gonzalez for a date of birth, but whether he asked  
25 the other four or five other patients that you had

1 referred to the program, right?

2 A. Correct.

3 Q. So your memory is he really didn't ask for a date  
4 of birth, right?

5 A. Yes.

6 Q. And if you look at Exhibit 98, which is this  
7 terminal illness philanthropy account receipt, I got a  
8 problem saying that word, too, there's no date of birth  
9 on here, right?

10 A. Correct.

11 Q. Now, let's go back to the exhibit to the left  
12 which were the notes, okay? See where it says mother's  
13 maiden name, De La Cruz?

14 A. Yes.

15 Q. You don't remember Raymour asking Mrs. Gonzalez  
16 for her mother's maiden name, do you, that day?

17 A. No, I don't.

18 Q. And in fact, you don't recall Raymour ever asking  
19 that question of the other five or six patients you  
20 referred, correct?

21 A. Correct.

22 Q. And in fact -- strike that.

23 How about Social Security number? Do you recall  
24 if Raymour would ask for the Social Security number of  
25 Mrs. Gonzalez?

1 A. No.

2 Q. Did he ask her?

3 A. No, he did not.

4 Q. He did not, did he? And he didn't ask the other  
5 five or six patients that you referred to the program,  
6 correct?

7 A. No, he did not.

8 Q. All you remember is Raymour came into the room,  
9 went over to Mrs. Gonzalez, right? You were present  
10 with him?

11 A. Yes.

12 Q. You're protective of your patients. You went over  
13 to the bed with him. And he said, I have a \$2,000  
14 check for you, right?

15 A. Yes.

16 Q. He gave her the \$2,000 check?

17 A. Yes.

18 Q. She was happy, wasn't she?

19 A. Yes.

20 Q. Was her husband present, too?

21 A. Yes. I believe he was, yes.

22 Q. He was happy, too, with the \$2,000, right?

23 A. This was a great relief to some people, yes.

24 Q. It was really helpful to them, wasn't it?

25 A. Yes.

1 Q. Raymour presented the \$2,000 check, right?

2 A. Yes.

3 Q. He presented this account receipt, she signed it,  
4 she gave it back to him, right? She gave the form  
5 back?

6 A. I believe she did, yeah.

7 Q. Okay. And Raymour said, you know, best of luck to  
8 you. I think you said go in peace, right?

9 A. I wish you peace.

10 Q. I wish you peace. And that was the end of the  
11 meeting, right?

12 A. I don't remember if he left with me or not that  
13 day. I don't remember if he stayed or not.

14 Q. Okay. So your testimony is that it's possible  
15 that you may have actually left the room before Raymour  
16 left the room?

17 A. Yes. I may have been called out. I don't  
18 remember.

19 Q. At that point, you trusted Raymour to be with the  
20 patient?

21 A. I think at that point I would have, yeah.

22 Q. So it may be that Raymour was actually in the room  
23 for a while when you weren't present, correct?

24 A. It is possible, and I honestly do not remember if  
25 he stayed or not.

1 Q. There was actually another -- do you remember  
2 Rebecca Smith?

3 A. Yes, I do remember Rebecca.

4 Q. Rebecca Smith was another patient that you  
5 referred over to Mr. Caramadre and Raymour, right?

6 A. Yes.

7 Q. And Rebecca Smith was a 25-year-old woman, right?

8 A. Yes, she was.

9 Q. And she was dying of cancer?

10 A. Yes.

11 Q. And she was a single mother, right?

12 A. She was.

13 Q. And she had no family or friends, did she, that  
14 you knew of anyway?

15 A. Not that were in her life.

16 Q. That were in her life. She didn't have any money,  
17 did she?

18 A. She did not.

19 Q. And you had decided this was a perfect candidate  
20 for this program so you called Raymour up and said,  
21 Raymour, I have a perfect candidate for you, and  
22 Raymour came up and went through the same routine with  
23 Rebecca Smith, right?

24 A. Yes.

25 Q. He met with you, right?



1 A. Yes.

2 Q. He went over to the patient in the bed, correct?

3 A. Yes.

4 Q. He gave the philanthropic account receipt form,  
5 right?

6 A. Yes.

7 Q. She signed it?

8 A. Yes.

9 Q. She gave it back to him, right?

10 A. Yes.

11 Q. He gave her \$2,000 as the ad stated, right?

12 A. Yes.

13 Q. She was very happy with it, wasn't she?

14 A. She was thankful to have it.

15 Q. She was thankful. In fact, does this refresh your  
16 memory that she really didn't have any family in her  
17 life? She couldn't deposit the \$2,000 into any bank  
18 account, could she?

19 A. No.

20 Q. So what I think you had arranged for was you had a  
21 bank representative come to the hospital, right?

22 A. From the credit union, yes.

23 Q. Coastway Credit Union?

24 A. Yes.

25 Q. And an account was opened up for her, right?

1 A. Yes.

2 Q. And the account was opened in the hospital, right?

3 A. Yes.

4 Q. And that \$2,000 check that Mr. Caramadre and  
5 Raymour gave to her was actually given to the bank  
6 representative and that \$2,000 was deposited into that  
7 account, right?

8 A. Yes.

9 Q. And in fact, at some point, the authorities had --  
10 did you contact the authorities, or did the authorities  
11 contact you, Ms. Healy?

12 THE COURT: Mr. Lepizzera, I guess I thought you  
13 were just about done. So do we have a fair bit more  
14 here, because I've been waiting to give the jury a  
15 break.

16 MR. LEPIZZERA: Two minutes, so the witness  
17 doesn't have to stay any longer.

18 THE COURT: I don't know if Mr. Vilker has a  
19 line of redirect on this other person.

20 MR. VILKER: Not so far, your Honor.

21 MR. LEPIZZERA: It's up to the Court, your  
22 Honor. I apologize.

23 Q. Trying to remember where I was now. So the bank  
24 representative came, right?

25 A. Yes.

1 Q. And an account was opened up?

2 A. Yes.

3 Q. By the way, in your capacity as a social worker,  
4 these are the things that you did for these patients,  
5 right?

6 A. Yes.

7 Q. You were a liaison to the outside world, right?

8 A. Yes.

9 Q. And this particular woman, she needed help because  
10 she had no family or friends in her life, right?

11 A. Correct.

12 Q. So you arranged for a representative of Coastway  
13 Credit Union to come to the hospital and \$2,000 was  
14 deposited into the account?

15 A. Yes.

16 Q. And what I asked you was, did you contact the  
17 investigators related to this investigation or did they  
18 contact you, do you recall?

19 A. I was contacted.

20 Q. You were contacted. And at some point during the  
21 investigation, you actually turned over -- you went  
22 through your records and you turned over copies of the  
23 Coastway Credit Union and the \$2,000 deposit. Do you  
24 recall that?

25 A. I vaguely recall it.

1 Q. One other question. Raymour left a business card  
2 for you when you met him, correct?

3 A. Yes.

4 Q. And on that business card, identified his name,  
5 right?

6 A. Yes.

7 Q. And the business card identified Estate Planning  
8 Resources, didn't it?

9 A. Yes.

10 Q. And it had a phone number on it, right?

11 A. I believe, yeah.

12 Q. In fact, you knew his phone number because you  
13 were able to call him, right?

14 A. Yes.

15 MR. LEPIZZERA: Thank you for coming in today.

16 THE COURT: Thank you. Mr. Vilker?

17 MR. VILKER: No questions.

18 THE COURT: All right. Then, your testimony is  
19 complete, Ms. Healy. You may step down. Thank you  
20 very much.

21 Ladies and gentlemen, sorry for the delay in  
22 taking the break. I did want to finish with this  
23 witness if possible so she didn't have to stay through  
24 the break, but we'll take the full allotted time for  
25 the break, and we'll reconvene in about one half hour,

1 so just keep in mind all my instructions. Charlie will  
2 show you out. Thank you.

3 (Proceedings out of the presence of the jury as  
4 follows:)

5 ( Recess.)

6 (Proceedings in the presence of the jury as  
7 follows:)

8 THE COURT: Mr. Vilker, are you ready to call  
9 your next witness?

10 MR. VILKER: Yes. United States calls Eulogio  
11 Gonzalez.

12 EULOGIO GONZALEZ, first having been duly sworn,  
13 testified as follows:

14 THE CLERK: Please state your name and spell  
15 your last name for the record.

16 THE WITNESS: Eulogio Gonzalez.

17 THE CLERK: Can you spell your last name.

18 THE WITNESS: G-O-N-Z-A-L-E-Z.

19 THE COURT: Good morning, Mr. Gonzalez.

20 THE WITNESS: Good morning.

21 THE COURT: Just keep your voice up.

22 And Mr. Vilker, you may inquire.

23 DIRECT EXAMINATION BY MR. VILKER

24 Q. Good morning, Mr. Gonzalez.

25 A. Good morning.

1 Q. Where do you currently live, Mr. Gonzalez?

2 A. Excuse me?

3 Q. What city do you live in?

4 A. Cranston. Providence.

5 Q. What do you do for a career? What's your job?

6 A. Convenience store, I work.

7 Q. Was your late wife named Sonia Gonzalez?

8 A. Yes.

9 Q. And how long had you been married before she  
10 passed away?

11 A. Like 21 years.

12 Q. Do you have children together?

13 A. Yes.

14 Q. How many children?

15 A. Two.

16 Q. And she passed away on April 19th of 2008; is that  
17 right?

18 A. Yes.

19 Q. Okay. And how old was she at the time?

20 A. Forty-six.

21 Q. And what was she suffering from? What was she  
22 suffering from? What did she have?

23 A. Cancer.

24 Q. Was it breast cancer?

25 A. Yes.

1 Q. Was she in the hospital during the final few weeks  
2 of her life?

3 A. Yes.

4 Q. Was that Women and Infants Hospital here in  
5 Providence?

6 A. Yes.

7 Q. Now, during the final few weeks of her life when  
8 she was in the hospital, were you spending a lot of  
9 time at the hospital?

10 A. All the time.

11 Q. Were you basically sleeping there as well?

12 A. Um-hum. (Affirmative.)

13 Q. And did there come a time when you were in the  
14 hospital when you heard something from somebody working  
15 in the hospital about some kind of way in which you and  
16 your wife may be able to get some money?

17 A. Uh-uh. (Negative.)

18 Q. Well, did there come a point in time in which  
19 someone came into the hospital room and gave money to  
20 you and your wife?

21 A. Yes.

22 Q. Do you remember who this person was?

23 A. Yes.

24 Q. And what was his name?

25 A. Raymour.

1 Q. So you knew him as Raymour?

2 A. Hum?

3 Q. You knew his name to be Raymour?

4 A. Yeah.

5 Q. And what do you remember -- first of all, how many  
6 times did you meet with Raymour?

7 A. I'd say two time. Basically, two time.

8 Q. He came to the hospital once, and then he came  
9 back again?

10 A. Right.

11 Q. So I want to first focus on the first time he came  
12 to the hospital. When he walked into the room, who was  
13 there in the room that day?

14 A. Only me and my wife.

15 Q. And what was your wife's condition that first day?  
16 Was she in pain? Was she able to understand what was  
17 going on?

18 A. Not really. She was very sick. Very, very sick.

19 Q. What do you remember Raymour saying that first day  
20 when he came into the room?

21 A. Well, he say I came here because somebody said to  
22 me, some lawyer because he said that guy has a lot of  
23 money. And then he told me about a gift.

24 Q. Okay.

25 A. To help, you know, the funeral or something.



1 MR. VILKER: Can you please bring up Exhibit 96,  
2 please.

3 Q. Exhibit 96 are notes taken from a company called  
4 Estate Planning Resources. It indicates on the top  
5 part if you can see it in front of you, it says Sonia  
6 Gonzalez, Room 410, Women and Infants. Was she staying  
7 on the fourth floor of Women and Infants Hospital in  
8 Providence at that time?

9 A. Yes.

10 Q. I know the first part is blacked out, but is that  
11 1963, is that the year that she was born?

12 A. Yes.

13 Q. Okay. And what about her mother's maiden name,  
14 was it De La Cruz?

15 A. Yes.

16 Q. And then I don't know if you remember, but the --  
17 were the last four digits of her Social Security number  
18 6127?

19 A. Yes.

20 Q. Do you remember during that first meeting whether  
21 Raymour asked for information about your wife's date of  
22 birth and Social Security number?

23 A. Yeah.

24 Q. And did he say why he needed that information?

25 A. He told me somebody said to him for a gift only

1 for money. He needed to fill out an application with  
2 some information about name, Social Security and  
3 everything and fill it out, you know.

4 Q. Okay. Did he give a check to you and your wife  
5 that day?

6 A. Not the same day.

7 Q. So he came back a second day with a check?

8 A. Um-hum. (Affirmative.)

9 MR. VILKER: Let me show you Exhibit 97 and ask  
10 that that be moved full.

11 THE COURT: Any objection?

12 MR. LEPIZZERA: No objection.

13 MR. RADHAKRISHNAN: No objection, your Honor.

14 THE COURT: 97 will be full.

15 (Government Exhibit 97 admitted in full.)

16 Q. The date of this check is April 3rd of 2008, and  
17 it's made out to Julissa Cruz. Who is Julissa Cruz?

18 A. My wife's sister.

19 Q. Does that refresh your recollection she may have  
20 been there that day the first day Raymour came?

21 A. Um-hum. (Affirmative.)

22 Q. You just have to say yes or no for the record.

23 So this will be the check that Raymour -- the  
24 first check that Raymour gave?

25 Let me show you to make it easier for you, if

1       you can pull up Exhibit 99 as well.

2               MR. VILKER: I move that full.

3               MR. LEPIZZERA: No objection.

4               MR. RADHAKRISHNAN: No objection, your Honor.

5               THE COURT: 99 will be full.

6               (Government Exhibit 99 admitted in full.)

7       Q. You have on the right side of the screen one check  
8       for \$2,000 that's dated April 3rd of 2008, and then on  
9       the left side there's another check for \$3,500 that's  
10      dated April 14th of 2008.

11              Does that correspond to about the time that  
12      these two meetings with Raymour took place? Does that  
13      seem about the right dates?

14      A. I say yes.

15      Q. Okay. And your wife ended up passing away on  
16      April 19th of 2008. So that would be five days after  
17      the second check, which was April 14th? You see the  
18      second check is April -- it's hard to read but I  
19      believe's a 4.

20      A. April 14, you say, right?

21      Q. Right. I believe so.

22      A. Before she pass away, I get the two check.

23      Q. So my first question is why were these checks made  
24      out to Sonia's sister, Julissa, instead of to you or to  
25      Sonia?

1       A.     Because I haven't a checking account at that time.  
2       I wasn't working. So she was working, you know, and  
3       she has a checking account. Easy for her, you know, to  
4       sign and everything quickly.

5       Q.     So you asked Raymour to make the check out to  
6       Julissa instead of to you?

7       A.     I don't say that.

8       Q.     How did it come about? What was the conversation  
9       like that led the checks to be written out to Julissa?

10      A.     Let me try to remember.

11      Q.     Okay. If you can remember.

12             Let me just back up a second. I'll withdraw  
13      that question.

14      A.     Because the guy said, you know, it's better to put  
15      Julissa's name.

16      Q.     Okay. Did he say why it would be better for it to  
17      be in Julissa's name?

18      A.     He was talking with my wife, you know.

19      Q.     So these with the two dates of the check. On the  
20      second date, April it looks like a 4, and I know this  
21      is difficult, it was a few days before she passed away,  
22      but what was her condition like on that second date?

23      A.     My wife?

24      Q.     Yeah.

25      A.     Very, very bad.

1 Q. Was she able to understand what was going on?

2 A. Almost nothing.

3 Q. And you were sleeping there around the clock?

4 A. All day.

5 Q. What was your -- were you getting sleep? How were  
6 you dealing at that time?

7 A. Not very well. Not very well, you know. Very,  
8 very bad.

9 Q. This is, obviously, a horrible, horrible time.

10 So the first time Raymour came, he gave this  
11 check and your understanding was it was just a gift.

12 A. Not really, because he told me -- well, he was  
13 talking with my wife about somebody sent him to the  
14 hospital to give.

15 Q. My understanding is -- what was your understanding  
16 of what both of these checks were for? What was this  
17 money for? What did you think it was for?

18 MR. LEPIZZERA: Objection.

19 A. He said --

20 THE COURT: Wait one second.

21 MR. LEPIZZERA: Just in the sense that although  
22 it's a single question it's really a compound question  
23 because it's asking about two separate checks.

24 THE COURT: Maybe you could break it down.

25 Q. The check on the right for \$2,000, what was your

1 understanding of what that check was for, why you were  
2 being given that check?

3 A. He say -- I say again, he told me that all the  
4 time he said that money, some lawyer with a lot of  
5 money sent him to the hospital for people like my wife,  
6 you know, maybe poor people who need some money for  
7 funeral, for help.

8 Q. Now, if you look at the check, the second check,  
9 the one on the left, what did you think that check was  
10 for?

11 A. I have no idea. He say the same thing, for gift.

12 Q. You thought all this money was a gift?

13 A. That's he told me all the time, gift, gift.

14 Q. Now, I want to show you Exhibit 98, which is  
15 already in full, I believe.

16 This is, again, this is a date of April 3rd,  
17 2008, the date of the first check.

18 A. Um-hum. (Affirmative.)

19 Q. And it's called "Terminal Illness Philanthropy  
20 Account Receipt." Do you recall whether during that  
21 first meeting Raymour had your wife sign some kind of  
22 receipt?

23 A. Yeah.

24 Q. Does that look like her signature on that form in  
25 front of you?

1 A. Not really. I mean, if you show me another one,  
2 you know, I can't --

3 Q. Could be, but you're not sure?

4 A. Um-hum. (Affirmative.)

5 Q. You're not sure one way or the other?

6 A. At that time, I told you she was very, very sick.  
7 She wasn't doing very well, you know.

8 Q. So her signature at that point might have been  
9 different than -- now, I showed you the second check  
10 which was on April 14th, 2008.

11 MR. VILKER: I now want to show you Exhibit 100  
12 and ask that that be moved full.

13 THE COURT: Any objection?

14 MR. LEPIZZERA: No objection.

15 MR. RADHAKRISHNAN: No objection, your Honor.

16 THE COURT: 100 will be full.

17 (Government Exhibit 100 admitted in full.)

18 Q. Exhibit 100 is an application to open up a  
19 brokerage account at Ameritrade between Joseph  
20 Caramadre as the owner and your wife, Sonia, as the  
21 account co-owner.

22 When Raymour was there on either of those two  
23 occasions, did he say anything about opening up any  
24 kind of account in your wife's name?

25 A. Never.

1 MR. VILKER: If you could turn to the next page,  
2 please. It's dated, if you look at the -- if you can  
3 magnify the bottom section, please. There's a  
4 signature, Joseph Caramadre and it's 4-7-2008. And  
5 then below that there's a signature and a date of  
6 4-8-08. Do you recognize that signature?

7 A. It's not too clear.

8 Q. You can't tell if it's Sonia's or not?

9 A. I can't say a hundred percent.

10 Q. You can't say one way or the other. Okay. The  
11 date on it is April 7th or April 8th of 2008. And I  
12 previously showed you two checks, one, the first one  
13 with the date that the receipt was signed on April 3rd  
14 of 2008, and the second one on April 14th of 2008. And  
15 your memory is there were just two meetings with  
16 Raymour?

17 A. I say two.

18 Q. So was there a meeting after he gave you the first  
19 \$2,000? Did he come back a few days later and have  
20 Sonia sign some more documents?

21 A. I think the first check, he come twice the same  
22 day.

23 Q. The same day he came twice?

24 A. Yeah. In the afternoon. At that time, my mother  
25 and Julissa was there. She get the check.



1 Q. Okay. And then he came back the second time,  
2 which was April 14th time and gave the second check?

3 A. Right.

4 Q. So we have two days, April 3rd and April 14th.  
5 Would there have been a time on April 7th or April 8th  
6 where Raymour came back again?

7 A. No. I say no.

8 Q. And you were basically living in the hospital room  
9 at that time?

10 A. Yeah.

11 Q. Now, I want to show --

12 MR. VILKER: If you can bring up Exhibit 104,  
13 please. I would move that full.

14 MR. LEPIZZERA: No objection.

15 MR. RADHAKRISHNAN: No objection, your Honor.

16 THE COURT: 104 will be full.

17 (Government Exhibit 104 admitted in full.)

18 Q. Now, 104, Mr. Gonzalez, is a statement of the  
19 account at Ameritrade. And the account is in the name  
20 of Joseph Caramadre and Sonia Gonzalez. This is for  
21 the time period of April 1st, '08, through April 30th  
22 of '08, and it indicates that the current value in the  
23 account is \$253,769.22.

24 First of all, did you have any idea that your  
25 wife's name was on the account with that kind of money

1 on it?

2 A. Never, ever. My wife never do that. I hundred  
3 percent sure.

4 Q. Your understanding is that she had no idea her  
5 name was on any account?

6 A. Uh-huh. (Negative.)

7 Q. Okay. Now, if you can go to page 63. I think  
8 it's like the fourth page of this document.

9 This shows at the top line that on April 8th,  
10 there was \$300,000 wired into this account from the Law  
11 Offices of Joseph Caramadre.

12 And again, April 8th would be after the first  
13 date of the first check, which is April 3rd, and the  
14 date of the second check, which is April 14th, correct?

15 A. Basically.

16 Q. Now, if you can go back to Exhibit 100, please.  
17 Now, do you see in the section on account co-owner,  
18 there's a phone number for your wife, her work number,  
19 says 941-9273. Was that number familiar to you at all?

20 A. She wasn't working at that time.

21 Q. Was that phone number -- does that look familiar  
22 to you?

23 A. No.

24 MR. VILKER: Okay. If we can go to the next  
25 page, please. If we can just magnify from paragraph 11

1 down.

2 Q. Does that look like your wife's signature?

3 A. I say no. That's too big. She never sign like  
4 that.

5 Q. Okay. But she was at the very end of her life,  
6 and you're saying she had vision problems. Is it  
7 possible that --

8 A. It's possible.

9 Q. Is it possible she signed her name differently  
10 than she would have at other points in her life?

11 A. It's possible.

12 Q. So above your wife's signature and above the  
13 signature of Joseph Caramadre, there's some questions  
14 asked about the co-owner of this account was your wife.  
15 First of all, it asks number of dependents and it says  
16 zero if you look at the screen in front of you.

17 You said you and your wife have kids, you have  
18 children?

19 A. Um-hum. (Affirmative.)

20 Q. How old were they at that time?

21 A. One is 14, the other one like 19.

22 Q. It then says funds available, if you look at this  
23 box. It says funds available for options trading,  
24 \$50,000 plus. Did you and your wife have that kind of  
25 money?

1 A. No. Never.

2 Q. I mean, in fact, you were in a very tough  
3 financial situation at that point in time, right?

4 A. Right. Exactly.

5 Q. Then it asks years of investment experience and  
6 it's marked six through nine. Was your wife, was  
7 she -- before she got sick, was she involved in  
8 investing in stocks or bonds or anything like that?

9 A. No. Never.

10 Q. Okay. So is it fair to state, without going  
11 through each category, that your wife wasn't an  
12 individual who was very experienced in investing in  
13 different products?

14 A. No.

15 Q. Okay. And did Raymour ask you anything about what  
16 your wife's investment experience was?

17 A. I told you, you know, he was talking with my wife  
18 all the time. She filled out a lot of paper.

19 Q. Where were you when she was filling out this  
20 paperwork?

21 A. I was beside my wife, sometime watching TV and  
22 everything.

23 Q. She was in her bed in her room, and you were on  
24 one side of the bed?

25 A. I was in the same -- you're talking about in the

1 same room or --

2 Q. That's what I'm asking. Your wife was in the  
3 hospital bed?

4 A. Exactly.

5 Q. She was in a very difficult situation at the time?

6 A. Um-hum. (Affirmative.)

7 Q. You said she was on morphine and that kind of drug  
8 to help with the pain?

9 A. Yeah.

10 Q. So Raymour was sitting next to her and going  
11 through some forms with her.

12 A. He was sitting in the front.

13 Q. In the front of the bed?

14 A. Exactly.

15 Q. Where were you?

16 A. Beside the other side watching TV, sometime.

17 Q. Were you hearing what Raymour was saying to your  
18 wife?

19 A. No.

20 Q. What do you remember him saying was the reason  
21 that he was there on those occasions?

22 A. All I can say the time he was there, he was  
23 talking about the money, gift, gift, and everything.  
24 And he give me a little card and he put on the back  
25 "gift." And I lost that card.

1 Q. Do you recall either time he was there him saying  
2 anything about any kind of account being opened up in  
3 your wife's name?

4 A. Never.

5 Q. You're saying part of the time you may have been  
6 watching TV and not listening exactly to what he was  
7 saying to your wife?

8 A. I remember the second time my wife try to pick up  
9 the phone. I say, "What happened?" She told me --

10 MR. LEPIZZERA: Objection. Hearsay.

11 THE COURT: Well, come up.

12 (Side-bar conference.)

13 THE COURT: This is the problem, again. This  
14 isn't the issue that Mr. Traini raised, right?

15 MR. LEPIZZERA: It's not. There's no question  
16 pending. I don't know exactly where he's going. He's  
17 going into not a conversation between Mr. Gonzalez and  
18 Mr. Radhakrishnan but a conversation between him and  
19 his wife. Mr. Radhakrishnan is not there, so now we're  
20 talking about the hearsay.

21 THE COURT: Right. Okay. I don't know if  
22 that's really a distinction, but I think this is part  
23 of this issue. You can try it again, but is that where  
24 you all are drawing the line?

25 MR. LEPIZZERA: That's where I did on that

1 question. It just popped up, your Honor.

2 MR. TRAINI: I think sometimes it's reflexive,  
3 Judge.

4 MR. LEPIZZERA: It was on that one.

5 (End of side-bar conference.)

6 THE COURT: So Mr. Gonzalez, Mr. Vilker is going  
7 to try his question again. Okay?

8 THE WITNESS: Sure.

9 Q. Mr. Gonzalez, was your wife, even at this late  
10 stage in her life, was she at all skeptical or  
11 suspicious about this?

12 A. Yes.

13 Q. What, if anything, did she say that made you think  
14 that she was suspicious about this?

15 MR. LEPIZZERA: Objection.

16 THE COURT: I'll sustain the objection for now.  
17 Why don't you try to establish how and when first.

18 MR. VILKER: Okay.

19 Q. You said your wife at some point in this process  
20 was suspicious. It's just a yes or a no.

21 A. Yes.

22 Q. Okay. Do you recall when she voiced some  
23 suspicion about this? Was this after the first  
24 meeting, after the second meeting or some point in  
25 between?

1 A. The second.

2 Q. It was after the second meeting?

3 A. Um-hum. (Affirmative.)

4 Q. And what happened during that second meeting?

5 A. When we get the second check, she tried to pick up  
6 the phone --

7 Q. I'm trying to get to that point. So Raymour came  
8 in and gave you the second check?

9 A. Right.

10 Q. Did Raymour then leave the room?

11 A. He left.

12 Q. And this would have been on, based on the date of  
13 the check, on April 14th, 2008? Based on the date of  
14 the second check if that's right?

15 A. Um-hum. (Affirmative.)

16 Q. So this was actually five days or so before she  
17 passed away?

18 A. Yeah. Five or six. I don't remember exactly.

19 Q. So he came in and brought the second check and  
20 left?

21 A. Right.

22 Q. So you're in the hospital room with her. It's  
23 just the two of you at this point?

24 A. When he left.

25 Q. When he left, it was just you and your wife left



1 in the room?

2 A. Yeah.

3 Q. And you said your wife tried to pick up the phone?

4 A. Yeah.

5 Q. Why did she do that?

6 A. Because she was a little suspicious, you know.  
7 She was thinking about something wrong about the money.

8 Q. How do you know that?

9 A. Because I say, "What happened?" She told me, I  
10 don't want to tell you because it's not a time to talk  
11 with you about -- she was very sick.

12 Q. Okay. So she brought up some concern about the  
13 money and then you wanted to move on to another  
14 conversation because she was so sick?

15 A. Um-hum. (Affirmative.)

16 Q. Did she say who she was trying to call?

17 A. I remember. She told me, Give me the phone. I  
18 said, What happened. She told me, I know something  
19 wrong happened here about the money. And I was talking  
20 with her.

21 Q. Did she tell you like who she was going to try to  
22 call?

23 A. No.

24 Q. Okay.

25 A. She never told me that.

1 Q. Now, I want to show you now Exhibit 103.

2 MR. VILKER: I ask that that be moved full.

3 MR. LEPIZZERA: No objection.

4 MR. RADHAKRISHNAN: No objection, your Honor.

5 THE COURT: 103 will be full.

6 (Government Exhibit 103 admitted in full.)

7 Q. Mr. Gonzalez, is any of the handwriting on this  
8 front page either yours or your wife's? Look at that.  
9 Is any of that handwriting your wife's handwriting?

10 You see where I'm asking where it says Joseph  
11 Caramadre, it says 90 Beechwood Drive, Cranston, Rhode  
12 Island, and some further information.

13 Does that look like your wife would have written  
14 that in?

15 A. I never see it. What's that, \$4,000?

16 Q. I'm not asking you about the contents of it yet.  
17 I'm just asking you if that writing is your wife's  
18 handwriting?

19 A. I don't remember.

20 MR. VILKER: If you could go to page three of  
21 this document.

22 Q. It says that's dated April 7th of 2008, and  
23 there's a signature --

24 MR. VILKER: If you can magnify that.

25 Q. There's a signature that says right here next to

1 the co-owner, does that appear to be Sonia's signature?

2 A. Not too clear.

3 Q. Again, it was at a very difficult point in her  
4 life so her signature may have been different than it  
5 usually was?

6 A. Excuse me?

7 Q. This is at, obviously, a very bad point in her  
8 life, so it's possible that her signature was a little  
9 different than it was before?

10 A. Um-hum. (Affirmative.)

11 Q. Okay. Now, if we go down a little bit to the  
12 bottom part, it says that on the 7th of April, Sonia  
13 appeared before a notary named Walter Craddock. Did  
14 Raymour ever come with someone else to notarize Sonia's  
15 signature?

16 A. No. Never. Only alone.

17 Q. Only what?

18 A. He was alone all the time.

19 Q. He was alone. Okay.

20 MR. VILKER: Now, if we can go back to the first  
21 page, and just magnify the top part of that.

22 Q. This says that there's going to be a brokerage  
23 account that's going to be opened between Joseph  
24 Caramadre and your wife, Sonia.

25 Did Raymour ever say anything about some kind of

1 brokerage account being opened in your wife's name?

2 A. No.

3 Q. Okay. Now, I want to go down to paragraph seven.

4 Did Raymour ever say anything that would indicate that

5 someone else, either Joseph Caramadre or some other

6 person, stood to make substantial profits upon the

7 death of your wife?

8 A. No.

9 Q. Did you have any understanding that this money was  
10 anything other than a gift?

11 A. No.

12 MR. VILKER: Okay. I want to bring up Exhibit  
13 14, please.

14 Q. Exhibit 14 is a record that was received from

15 Estate Planning Resources and it's titled "Summary of

16 TD Ameritrade Bond Holdings." On this line here, it

17 says -- do you see where it says JAC, Joseph A.

18 Caramadre, and Sonia Gonzalez next to where I put that

19 blue mark?

20 MR. VILKER: Magnify that part of it.

21 Q. Do you see the second name from the bottom is

22 Sonia Gonzalez?

23 A. Um-hum. (Affirmative.)

24 Q. And it shows that there's \$300,000 that was put

25 into this account and that \$859,000 worth of bonds were

1 purchased.

2 Did you have any idea that Sonia's name was on  
3 an account with that kind of money in it?

4 A. I'm very sure hundred percent she never was in an  
5 account or anything. Very sure.

6 MR. VILKER: I'd like to now bring up Exhibit  
7 105 and ask that that be moved into evidence. This is  
8 a record from Estate Planning Resources.

9 MR. LEPIZZERA: No objection.

10 MR. RADHAKRISHNAN: No objection, your Honor.

11 THE COURT: 105 will be full.

12 (Government Exhibit 105 admitted in full.)

13 Q. 105 is another document that was from Estate  
14 Planning Resources. The top of it says "Measuring  
15 Life."

16 Did Raymour ever use that term with you, that  
17 Sonia would be a measuring life or anything like that?

18 A. No.

19 Q. Now, if you can bring up the middle part of it.  
20 It says the account number, the last name is Gonzalez.  
21 And it says 2008 gains, 123,000; 2009 gains, 50,000;  
22 and then a total gain, if we can zoom in on that, of  
23 190,000.

24 Did you have any idea that Mr. Caramadre stood  
25 to make this kind of money upon Sonia's death?

1       A.     No.

2               MR. VILKER: I'd like to now show you Exhibit  
3     106 and ask that that be moved full.

4               THE COURT: Any objection?

5               MR. LEPIZZERA: No objection.

6               MR. RADHAKRISHNAN: No objection, your Honor.

7               THE COURT: All right. 106 will be full.

8               (Government Exhibit 106 admitted in full.)

9       Q.     Mr. Gonzalez, this is a form written by Joseph  
10    Caramadre that says that he owned bonds with Sonia  
11    Gonzalez as joint tenants with right of survivorship.

12              Did you have any idea that there were bonds that  
13    were in the name of your wife, Sonia?

14    A.     No.

15    Q.     Okay. And then it says, Sonia died on April 19th,  
16    2008, as evidenced by the enclosed death certificate.

17              Did you ever -- did Raymour ever come back to  
18    you and ask for a copy of Sonia's death certificate?

19    A.     No.

20    Q.     Do you have any idea --

21    A.     He told me if you need some more money in the  
22    future, I can give you some more money.

23    Q.     Did you ever call him to get more money?

24    A.     No. I never call him. I was, you know, like my  
25    wife, like, you know, suspicious. I was --

1 Q. I understand. I want to show you finally Exhibit  
2 107.

3 MR. VILKER: I ask that that be moved full.

4 MR. LEPIZZERA: No objection.

5 MR. RADHAKRISHNAN: No objection, your Honor.

6 THE COURT: 107 will be full.

7 (Government Exhibit 107 admitted in full.)

8 Q. Mr. Gonzalez, this is a letter from Joseph  
9 Caramadre dated May 7th, 2008, to Providence City Hall,  
10 and he's asking to obtain 20 copies of Sonia's death  
11 certificate.

12 Did you have any idea that Mr. Caramadre was  
13 attempting or had obtained Sonia's death certificate  
14 from Providence City Hall?

15 A. No.

16 Q. Did you ever give consent to Raymour or to anyone  
17 else to get those death certificates?

18 A. No, I wasn't -- I don't know anything about this.  
19 Believe me.

20 MR. VILKER: I have no further questions. Thank  
21 you.

22 THE COURT: Thank you.

23 THE WITNESS: I was thinking only the gift.

24 THE COURT: All right. Mr. Radhakrishnan.  
25

**CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

Q. Good afternoon, Mr. Gonzalez. It's nice to see you again. Thank you for coming in.

You remember me coming and meeting with your wife on a couple of different times?

A. (Witness nods head in the affirmative.)

Q. Pardon me?

A. Yes.

Q. Thank you. And where did Sonia work before she got -- before she became ill?

A. She was living in Dominican Republic and then she coming back. She wasn't work for about ten years.

Q. Right. Where did she work? What kind of education did she have?

A. She went to college.

Q. And Ms. Gonzalez spoke English? Did your wife speak English?

A. Hundred percent.

Q. Hundred percent? She spoke English very well?

A. Very, very well.

Q. You speak Spanish, correct?

A. Correct.

Q. Okay. Is it easier for you to understand Spanish or English better?

A. Spanish better.



1 Q. Spanish better, right? Okay.

2 And when you testified in front of -- do you  
3 remember testifying in front of the grand jury?

4 A. Um-hum. (Affirmative.)

5 Q. Okay. And isn't it true Mr. McAdams over there  
6 was asking you questions? You remember that, correct?

7 A. Correct.

8 Q. Yes. And during that questioning, wasn't there a  
9 translator present during that questioning?

10 A. Yeah.

11 Q. There was. That's correct?

12 A. (Witness nods head in the affirmative.)

13 Q. Okay. And is there a reason why you don't have a  
14 translator today, Mr. Gonzalez?

15 A. I told them I need it because I don't know, some  
16 question, you know -- very, very hard for me.

17 MR. RADHAKRISHNAN: I understand. I thank you  
18 for your time coming in today, Mr. Gonzalez. You have  
19 a nice day. Thank you.

20 THE WITNESS: You're welcome.

21 THE COURT: Mr. Lepizzera?

22 MR. LEPIZZERA: Thank you, your Honor.

23 **CROSS-EXAMINATION BY MR. LEPIZZERA**

24 Q. Good afternoon, Mr. Gonzalez.

25 Mr. Gonzalez, I believe you testified that you

1 were sleeping in the room with your wife, correct?

2 A. Sometimes, yeah. Yeah, sometimes.

3 Q. Some nights?

4 A. I mean, I was there all the time. I say sometime  
5 I sleep, sometime watching TV, sometime I was talking  
6 with her.

7 Q. And Mr. Vilker asked you some questions about why  
8 the checks were made out to Julissa Cruz, do you  
9 remember that?

10 A. Um-hum. (Affirmative.)

11 Q. And Julissa Cruz was your wife's sister, correct?

12 A. Correct.

13 Q. And you first testified that the reason why the  
14 checks were made out to her was because she had a bank  
15 account and you didn't, correct?

16 A. I never, yeah.

17 Q. But I think you also testified that Raymour was  
18 really talking to your wife, correct?

19 A. Correct.

20 Q. Raymour wasn't talking to you, was he?

21 A. Only to my wife.

22 Q. Only to your wife. Because you were in the room  
23 when Raymour was there, correct?

24 A. Yeah.

25 Q. You were kind of off to the side, watching TV?

1       A.    I say, you know, I was watching TV sometime. But  
2       in that time he was talking with my wife only. And I  
3       told you all the time, when he came the first time he  
4       said I came here because some lawyer sent me. That  
5       lawyer has a lot of money. And I came to give some  
6       money for help, for your children, for your funeral.  
7       And he told me we apologize. He said I apologize the  
8       situation.

9       Q.    And he gave -- at the first meeting, he gave  
10       \$2,000, correct?

11       A.    Yeah.

12       Q.    And then there was a second check for \$3500,  
13       correct?

14       A.    3500.

15       Q.    \$3500, right?

16       A.    Yeah. 3500, yeah.

17       Q.    3500, right?

18       A.    Um-hum. (Affirmative.)

19       Q.    And that check also, it's in front of you, a copy  
20       is in front of you on the screen, Mr. Gonzalez. That  
21       \$3,500 check was also made out to Julissa Cruz, who was  
22       your sister-in-law, right? Correct? You just have to  
23       say yes or no for the record.

24       A.    Yes.

25               MR. LEPIZZERA: Thank you. Could I have brought

1 up Exhibit 98, please.

2 Q. If you could look to the document to the right,  
3 which for the record is Exhibit 96, okay, do you see  
4 where it says Sonia Libertad Gonzalez, that was your  
5 wife's full name, correct?

6 A. Correct.

7 Q. Under that it says 44 is that Sumter Street,  
8 Providence, Rhode Island, right?

9 A. Yes.

10 Q. And that was your home address, correct? Whose  
11 address was that?

12 A. Sonia's mother.

13 Q. Sonia's mother?

14 A. Yeah.

15 Q. Did Sonia give Raymour that address, do you know?  
16 Do you remember?

17 A. I don't remember.

18 Q. You don't remember. How about the date of birth?  
19 Did your wife give Raymour her date of birth, do you  
20 remember?

21 A. I don't remember because he asked to my wife -- he  
22 say I need to fill out a form with a couple of  
23 question. And he started to fill it out, a lot of  
24 question. Because he was talking with my wife, you  
25 know. My English not like my wife.

1 Q. That's okay. You're doing well.

2 A. You know, he was talking fast with her so --

3 Q. Okay. So you're watching TV, your English isn't  
4 that well, and he's really speaking to your wife,  
5 right?

6 A. Right.

7 Q. And you're following along with some of it but not  
8 all of it, right?

9 A. Um-hum. (Affirmative.)

10 Q. So you just testified Raymour was asking for  
11 information in order to put down on a form, right? He  
12 was asking your wife for information in order for him  
13 to put that information down on a form, correct?  
14 Right?

15 A. (Witness nods head in the affirmative.)

16 Q. You just have to say yes or no for the record.

17 A. Yes. Yes.

18 Q. I apologize. The stenographer is over there  
19 taking this down.

20 A. No. That's okay.

21 Q. Thank you. Can you take a look at the form on the  
22 left on the screen, okay, which is Exhibit 98. And you  
23 would agree with me, sir, that nowhere on that form,  
24 and I'm looking at the form on your left, take a look  
25 at that. Is there anywhere on that form that requires

1 a date of birth to be put down on that document? Can  
2 you take a look at that. Is your wife's date of birth  
3 on that document at all?

4 A. I don't see it.

5 Q. That form doesn't require your wife's date of  
6 birth, does it? Let me strike that.

7 Your wife's date of birth isn't on the form to  
8 the left, correct?

9 A. Only -- not a date.

10 Q. There's a date of April 3rd, 2008, right? I want  
11 to make sure we're looking at the right form.

12 There's a date of April 3rd, 2008, at the  
13 bottom, right, Mr. Gonzalez?

14 MR. LEPIZZERA: Can I approach the witness, your  
15 Honor?

16 THE COURT: Yes.

17 MR. LEPIZZERA: Thank you.

18 Q. Mr. Gonzalez, I'm pointing you to I believe  
19 Exhibit 98. Right here down at the bottom. Do you see  
20 that date, April 3rd, 2008?

21 A. Um-hum. (Affirmative.)

22 Q. You have to say yes or no for the record.

23 A. Yes.

24 Q. That's not your wife's date of birth, correct?

25 A. No.

1 Q. Your wife was born in 1963. If we look at the  
2 form to the right, that's her date of birth, correct?

3 A. Yes.

4 Q. Your wife's date of birth is not on the form to  
5 the left, correct?

6 A. No.

7 Q. Now, down below, looking to the form on the right,  
8 do you see where it says, Mother's maiden name, De La  
9 Cruz?

10 A. Last name. Yeah. Her mother's last name only,  
11 but not first name.

12 Q. So that's your mother-in-law's last name, right?  
13 Correct?

14 A. Last name, yeah.

15 Q. Now, what I want you to do is I want you to take a  
16 look at the form on the left, okay, which is the  
17 account receipt form, and you would agree with me that  
18 De La Cruz, that name is nowhere on the form to the  
19 left, is it?

20 A. No.

21 Q. Okay. Now, finally, going back to the file notes  
22 here to the right where it says Social Security number,  
23 and there's part of the number is redacted out. Do you  
24 see the number 6127?

25 A. Yeah.

1 Q. Do you remember your wife's Social Security  
2 number.

3 A. Not at this time.

4 Q. That's okay. You would agree with me that your  
5 wife's Social Security number is nowhere on the  
6 philanthropy account receipt form, correct?

7 A. I don't see that.

8 Q. It's not there, right? But as you testified,  
9 Raymour was asking for date of birth, maiden name and  
10 Social Security number in order for him to put that  
11 information down on a form, correct? Right?

12 A. I tell you again, at that time he was talking only  
13 with her. So I, you know -- then, you know, maybe ten  
14 minutes after, I was talking with my wife and she told  
15 me, I fill it out.

16 MR. LEPIZZERA: Could I just stop the witness.  
17 There's no question pending.

18 THE COURT: Right.

19 MR. LEPIZZERA: Could I have Exhibit 100 pulled  
20 up, please. Sorry, page one. If I could have that  
21 sitting next to Exhibit 96.

22 May I approach the witness, again, your Honor.

23 THE COURT: Can you do this by marking it?

24 MR. LEPIZZERA: That's fine. Thank you.

25 Q. Mr. Gonzalez if you could look to the form to your



1 right and see where I'm pointing where it says date of  
2 birth, 1963. That was your wife's date of birth,  
3 right?

4 A. Yeah.

5 Q. Now what I want you to do is look to the form to  
6 the left, which is Exhibit 100, and do you see where it  
7 says 1963?

8 A. Yeah.

9 Q. That's the same year, 1963 is on those two forms,  
10 correct?

11 A. Um-hum. (Affirmative.)

12 Q. Then what I want you to do is take a look at see  
13 the form to your right, see where it says De La Cruz  
14 where I'm pointing?

15 A. My wife --

16 Q. That's your mother-in-law's maiden name, right?

17 A. Last name.

18 Q. Last name. And then look to the TD Ameritrade  
19 account application, do you see where I'm pointing to  
20 where it says De La Cruz?

21 A. Um-hum. (Affirmative.)

22 Q. De La Cruz is on that form, correct?

23 A. De La Cruz.

24 Q. And finally, you see the Social Security number on  
25 the form to the right where it says 6127? Do you see

1 that?

2 A. Yeah.

3 Q. And then if you look to the form on the left, the  
4 TD Ameritrade application number, do you see where it  
5 says the Social Security number has 6127, right?

6 A. Yeah.

7 Q. Those are all the same information, right?

8 A. Um-hum. (Affirmative.)

9 MR. LEPIZZERA: Could I have Exhibit 14 brought  
10 up, please.

11 Q. Mr. Gonzalez, see where I'm pointing to, \$859,000?

12 A. Um-hum. (Affirmative.)

13 Q. You testified you didn't realize that any money  
14 went to any account, correct? That's what you  
15 testified to, right?

16 A. Um-hum. (Affirmative.)

17 Q. You have to say yes for the record if that's your  
18 answer.

19 A. Yes.

20 Q. Did Raymour ever tell your wife that if she died  
21 Mr. Caramadre would get \$859,000? Did he ever explain  
22 that to you or your wife?

23 A. He never. No, never.

24 Q. And lastly, did Raymour ever explain to you or  
25 your wife that if Mr. Caramadre died before your wife

1 died, that your wife would get -- your wife would get  
2 \$859,000? Did he ever explain that?

3 A. Never.

4 MR. LEPIZZERA: Okay. Thank you, sir.

5 THE COURT: Redirect.

6 MR. VILKER: Very brief redirect.

7 **REDIRECT EXAMINATION BY MR. VILKER**

8 Q. Mr. Gonzalez, you were just asked about that for  
9 some part of I guess the second meeting you were  
10 watching TV and Raymour was kind of speaking with your  
11 wife?

12 A. Um-hum. (Affirmative.)

13 Q. You have to say yes or no.

14 A. Yes.

15 Q. So there could have been things that he said that  
16 you didn't understand or you weren't paying attention  
17 to because you were listening to --

18 MR. LEPIZZERA: Objection. Leading.

19 THE COURT: Overruled.

20 Q. Could there have been things that Raymour said  
21 that you didn't hear because you were watching TV?

22 A. Yeah, but I watching TV but not all the time. In  
23 the first time, I was thinking somebody in the  
24 hospital.

25 Q. You thought this was like somebody in the hospital

1 that was involved in giving this money?

2 A. Or sent to me. Because I said to my wife, Why he  
3 came here? Because somebody -- he need some permit to  
4 come to the hospital. That's why I'm feeling, you  
5 know, like, why, you know.

6 Q. And then you said the second time is when you --  
7 was the second time part of the time you were watching  
8 TV when you were right next to your wife?

9 A. Little watching. I was watching, but I all the  
10 time was putting attention to my wife because she was  
11 very, very sick.

12 Q. But you mentioned that there was some time that  
13 Raymour was talking quickly in English and your wife's  
14 English was better than your English?

15 A. Hundred percent, yeah.

16 Q. And your wife at this point in time, she's -- I  
17 hate to go through this again with you, but she was in  
18 very, very bad shape, right?

19 A. Um-hum. (Affirmative.)

20 Q. She was on morphine?

21 A. Morphine.

22 Q. And Raymour is there talking quickly to her in her  
23 bed a few days before she passes away while she's on  
24 serious pain medication?

25 A. Um-hum. (Affirmative.)

1 Q. And then when Raymour leaves, I think you  
2 testified your wife tried to pick up the phone?

3 A. Yeah, the second time.

4 Q. She tried to pick up the phone and she said,  
5 Something's wrong with this money?

6 MR. LEPIZZERA: Objection. Beyond the scope of  
7 cross.

8 THE COURT: Right. Sustained.

9 MR. VILKER: Nothing further, your Honor.

10 THE COURT: Any recross?

11 MR. RADHAKRISHNAN: No, your Honor. Thank you.

12 MR. LEPIZZERA: No, your Honor.

13 THE COURT: Thank you.

14 All right. Mr. Gonzalez, I think that completes  
15 your testimony. So you may go now. Thank you very  
16 much.

17 THE WITNESS: Sorry for my English.

18 THE COURT: No.

19 Next witness.

20 MR. McADAMS: Government calls Carol Larivee.

21 **CAROL LARIVEE**, first having been duly sworn,  
22 testified as follows:

23 THE CLERK: Please state your name and spell  
24 your last name for the record.

25 THE WITNESS: Carol Larivee, L-A-R-I-V, as in

1 Victor, E-E.

2 THE COURT: Good afternoon, Ms. Larivee.

3 THE WITNESS: Good afternoon.

4 THE COURT: You may inquire, Mr. McAdams.

5 **DIRECT EXAMINATION BY MR. McADAMS**

6 Q. Good afternoon, Mrs. Larivee.

7 A. Good afternoon.

8 Q. Could you speak into the mike.

9 Mrs. Larivee, where are you from?

10 A. I'm from Woonsocket, Rhode Island.

11 Q. How long have you been living in Rhode Island?

12 A. My whole life.

13 Q. Are you married?

14 A. Yes, I am.

15 Q. Do you have children?

16 A. I have eight children.

17 Q. Mrs. Larivee, was there a point in your life when  
18 you were also caring for a niece of yours?

19 A. Yes. In 2003.

20 Q. What was your niece's name?

21 A. My niece was -- her name was Jamie Bradley.

22 Q. Jamie Bradley. You were caring for her because  
23 she was sick?

24 A. Yeah. She was diagnosed with colon cancer at the  
25 age of 26; and when they diagnosed it, it had already

1 metastasized to her lungs.

2 Q. Was the reason you were caring for her -- what was  
3 the reason for that?

4 A. Well, Jamie's mother passed away when she was 11  
5 years old, and at that time her father and her moved to  
6 New Hampshire. But then when she got older, her dad  
7 moved down to Florida so she came back to Rhode Island.  
8 And she moved with my other sister, her godmother,  
9 Janice. And she lived with Janice for about a year and  
10 then we found out she had colon cancer. So she had an  
11 operation to remove the tumor in her colon, and then  
12 she had to start the chemo.

13 At that point, that was too much for my sister,  
14 Janice, who was working because Jamie had gotten very  
15 sick from the chemo. So my sister called me up on  
16 Memorial Day in 2003 and asked me if I could care for  
17 Jamie, if Jamie could live with me. It was supposed to  
18 be just for a little while but it ended up being five  
19 years.

20 Q. Jamie passed in 2008; is that correct?

21 A. Yeah. June 3rd.

22 Q. Prior to the time when Jamie passed, did there  
23 come a point when you became aware of an opportunity  
24 for some funds to become available because of Jamie's  
25 illness?

1       A.    Yes.  Actually, it was my sister-in-law.  I would  
2       say maybe six months to a year prior to Jamie passing,  
3       she had told me about this ad that she had seen in the  
4       Rhode Island Catholic for caregivers.  And they were  
5       going to give, in the ad, it said something like you  
6       would receive \$2,000, to call them.

7               At first, I told her no because I says, Oh, you  
8       never get anything for free.  I said, There's got to be  
9       a catch to this.  So I ignored it.  And then at a  
10      family outing that we had, maybe six months after she  
11      had told me, she asked me if I called.  I said, No, no,  
12      I never did.  But then maybe I'll call.  I'll just call  
13      to check it out.

14      Q.    If I could show Government Exhibit number 46,  
15      please.  Do you recognize that?

16      A.    Yes, I do.  Initially, I didn't see the ad, but my  
17      sister-in-law did.  But then afterwards, I looked in  
18      the Rhode Island Catholic and I seen this ad, too.

19      Q.    So you ended up calling the phone number that was  
20      on the ad?

21      A.    Yes.  Yes, I did.

22      Q.    What happened when you called that number?

23      A.    Actually, after the kids had gone off to school, I  
24      called, maybe around nine o'clock that morning; and I  
25      was just calling to see what it was about and that's



1 all I was calling for. But then I started talking to  
2 the, I guess the secretary for Mr. Caramadre and so she  
3 started asking me some questions, but I was just  
4 calling for information.

5 Q. Okay. So you spoke to a woman?

6 A. A woman.

7 Q. And what types of questions were you asked?

8 A. I guess -- well, one of the main ones that I  
9 remember was how long my niece had to live. And it --  
10 well, from what the doctors said, it could be any  
11 matter of time.

12 Q. In that telephone conversation, was anything said  
13 to you about any types of accounts or being asked to  
14 participate in any kind of investment program --

15 A. No, not at that time.

16 Q. Did you end up having some type of meeting after  
17 that phone conversation?

18 A. I would say within that phone call I made she told  
19 that there would be someone calling me back. And  
20 Mr. Raymour called me back not too long afterwards.

21 Q. What do you remember him saying in that phone  
22 conversation?

23 A. I can't remember the exact words, but he set up an  
24 appointment, asked me if he could come over. And he  
25 was at my house within 20 minutes to a half hour from

1 that first phone call to the secretary.

2 Q. So he did come and visit you at your home?

3 A. Right after, yeah.

4 Q. Who was at your house at that point in time?

5 A. Well, when he arrived, no one was there. But I  
6 was expecting the hospice nurse, and she did arrive  
7 shortly after he did.

8 Q. So did you start the meeting before she got there?

9 A. A little bit, yeah.

10 Q. And who participated in the meeting?

11 A. It was just Raymour and myself and the nurse was  
12 there and she was listening. She asked if she wanted  
13 me for her to leave. And I said, Oh, no, it's fine.  
14 You can stay. But eventually she did get up and she  
15 left, and Raymour and I were left alone; and Jamie was  
16 in the room, the next room over.

17 Q. So Jamie didn't participate in that meeting?

18 A. Jamie didn't participate. I asked Raymour if he  
19 would like to meet her, and he said, Oh, no, no, that's  
20 fine.

21 Q. Was Jamie able to sit up?

22 A. All he had to do was walk over to the room. She  
23 wasn't too far over. The room was, you know, just from  
24 here to there, that's where the bedroom was. And I  
25 would have brought him into the bedroom to meet her,

1 but he said it wasn't necessary.

2 Q. With respect to the meeting that you had with  
3 Raymour, what did he say to you about why he was there?

4 A. Well, I guess it went along the lines of how much  
5 time Jamie had. Then we sat down and -- oh, he had a  
6 check for me. He had a \$2,000 check for me right away.  
7 I was so surprised at that. I thought we were just  
8 going to talk about all of this, because I had got  
9 Jamie involved with the Dream Foundation, it's the last  
10 wish for adults. And I had to go through a whole list  
11 of paperwork and even the doctor had to sign papers.

12 So I thought when he came over that I would have  
13 to do something like that. And I was just so surprised  
14 that he handed me a \$2,000 check and I didn't have to  
15 go through everything I had gone through with the Dream  
16 Foundation.

17 So I was like in shock and I was happy. You're  
18 giving me \$2,000. And it was made in my name, not  
19 Jamie's name.

20 Q. Do you know why it was made in your name, not  
21 Jamie's name?

22 A. Well, I guess because of the ad. It does say for  
23 caregivers. It doesn't say the patient itself, but--

24 Q. Did he tell you who it was that was providing the  
25 money?

1       A.    Yeah.  He did tell -- well, I did call the office  
2       of Mr. Caramadre, and he did talk about Mr. Caramadre.

3       Q.    What did he say about him?

4       A.    He actually -- I actually thought he was looking  
5       at my house.  It was in such disarray between the eight  
6       kids and caring for Jamie, you know, it did need a  
7       little painting and stuff.  From what he said, I  
8       thought he was looking at the house.  And he goes, Oh,  
9       Mr. Caramadre likes to help people in these kind of  
10      situations.  You know, maybe we could set up something  
11      like a fundraiser for Jamie.  Would you be interested  
12      in that?  And I said, Well, I'd have to talk to my  
13      husband and I'll let you know.  I didn't say yes right  
14      away.  But he wanted to make sure, also, that I was the  
15      one that had authority to sign Jamie's name, and he  
16      asked me a couple of times about that.

17      Q.    Did he tell you why?

18      A.    No, he didn't tell me why.

19      Q.    What did he say about having a fundraiser for  
20      Jamie?

21      A.    At that moment, it was just basically that.  I  
22      said, Oh, fundraiser?  Yeah.  I definitely could use  
23      the help on that.  And like I said, I told him I would  
24      talk with my husband about that.  He did call me a  
25      couple of days later.  He did call me and ask me --

1 Q. How did the first meeting end?

2 A. I did sign a paper. I had to -- because I took  
3 the check, and I don't -- the way he explained it, I  
4 think it was something along the lines of maybe just to  
5 prove that I received the check. It was something like  
6 that. I'm not a hundred percent sure.

7 Q. Did he say anything to you at that first meeting  
8 about asking for you or Jamie to do anything in return  
9 for Mr. Caramadre, for that money that was being  
10 provided?

11 A. No. Not at that time.

12 Q. Did he mention anything about asking her to  
13 participate in any type of investment activity?

14 A. No.

15 Q. Anything for Mr. Caramadre along those lines?

16 A. Not at that first initial meeting.

17 Q. You indicated that after that first initial  
18 meeting you heard from Mr. Radhakrishnan again?

19 A. Yes. He told me he would call me back after he  
20 went back to the -- and talked to Mr. Caramadre about  
21 Jamie and I. He did call me back a couple of days  
22 later.

23 Q. What did he say when he called you back?

24 A. One of the first things he asked me, he asked me  
25 why I didn't cash the check right away. He said, Oh,

1       you didn't cash the check. How come you didn't cash  
2       the check? And I said, Well, with eight kids and  
3       taking care of Jamie, there was no time to just run out  
4       and cash that check.

5       Q. He actually knew that you didn't cash the check?

6       A. Yeah. He knew that I didn't cash the check.

7       Q. Did he say anything to you to indicate why it  
8       mattered when you cashed the check?

9       A. Excuse me?

10      Q. Did he say anything to you to indicate why it  
11      mattered whether you had cashed the check or not?

12      A. No. No, he didn't.

13      Q. What happened in that conversation beyond that  
14      brief discussion about the check?

15      A. I'm pretty sure it was that we set up a meeting to  
16      meet another time on that. He did talk with  
17      Mr. Caramadre, I guess, and he was going to -- we set  
18      up a meeting where he would come over and meet with me  
19      and talk about that fundraiser.

20      Q. So he again repeated that there was a potential  
21      fundraiser?

22      A. I don't remember. I'm just identifying it that  
23      way. I don't know if the second time if he said a  
24      fundraiser. I'm not quite sure.

25      Q. What, if anything, do you remember him saying

1 about what Mr. Caramadre had told him when you had that  
2 conversation?

3 A. I'm not a hundred --

4 Q. You don't remember?

5 A. No, I don't.

6 Q. So you ended up having a second meeting?

7 A. I ended up having a second meeting, and I --

8 Q. Where did that take place?

9 A. In my home. In my home. And I had -- that first  
10 day that he came over, the nurse, the hospice nurse was  
11 there and then also the social worker was meeting with  
12 me, and I told her about, you know -- I was so excited  
13 about getting \$2,000. I told a lot of people about  
14 receiving the money. So I asked Donna, the social  
15 worker from hospice, if she would be with me. Because  
16 of being emotionally drained, taking care of Jamie and  
17 I just wanted another set of ears there for that second  
18 meeting. And she did --

19 Q. Who was present for that second meeting?

20 A. My husband was there and Donna from Home and  
21 Hospice Care.

22 Q. Is that Donna Benoit?

23 A. Yes. Donna Benoit. And Mr. Raymour and  
24 Mr. Craddock.

25 Q. A person named Walter Craddock?

1       A.    Yes.

2       Q.    And so could you describe for the jury what  
3       happened at that second meeting.

4       A.    Well, they introduced themselves. And when I told  
5       Mr. Craddock our names, he started telling me that he  
6       knew my brother-in-law. Well, he didn't know it was my  
7       brother-in-law at the time. He asked if I was related  
8       to a Bernie Larivee, and I said, Oh, yeah, that's my  
9       brother-in-law.

10      Q.    So you had some small talk?

11      A.    Yeah. You just kind of felt more comfortable, he  
12      knew somebody you knew.

13      Q.    What did they say about this potential fundraiser  
14      at this meeting?

15      A.    We sat down and then they started talking. And  
16      from what I best can remember, they started saying that  
17      Mr. Caramadre had a bunch of investors that were  
18      willing to invest money, and they wanted to open a  
19      savings account for Jamie and the investors would all  
20      put their money in this savings account and that they  
21      would need Jamie's Social Security number.

22               And as they're saying this, I'm doing a lot of  
23      thinking to myself but I'm not saying anything. I'm  
24      kind of like a little afraid to say anything. I just  
25      thank God that Donna Benoit was there, and she asked a



1 question and so then that opened me up to ask a  
2 question.

3 Q. What question did Donna Benoit ask?

4 MR. LEPIZZERA: Objection.

5 THE COURT: Sustained.

6 Q. What question did you ask?

7 A. The question that I -- I don't think I -- it was a  
8 question. I just said I don't understand how -- well,  
9 it wasn't a question. I don't understand how this is  
10 going to help Jamie. Because the other thing they told  
11 me that the investors would put their money into this  
12 account, savings account, but Jamie was never allowed  
13 to touch it. And I didn't understand how that was  
14 going to help her. If it was a fundraiser for Jamie,  
15 and that was what I asked, how is this going to help  
16 her if she can't touch this. And then I was told that,  
17 well, from the investment maybe we'll give you another  
18 \$1,000 but not more than \$2,000.

19 Q. So first of all, they told you there was going to  
20 be some type of savings account opened?

21 A. That's exactly what they said. They said it was a  
22 savings account.

23 Q. Did they use the term "brokerage account"?

24 A. No. They said savings account.

25 Q. And they indicated that they'd put money in it,

1 but that Jamie could not touch the money?

2 A. Jamie could not touch it.

3 Q. And did they say why she couldn't touch it?

4 A. No.

5 Q. Did they explain what the relationship would be  
6 between -- let me back up a minute. I keep saying  
7 "they." Who was doing the talking during the meeting?

8 A. Mr. Craddock and Mr. Raymour.

9 Q. So Raymour explained some of it and Mr. Craddock  
10 explained some of it?

11 A. Yeah. Yeah.

12 Q. So what did they say about the relationship that  
13 Jamie would have with whoever these investors were?

14 A. They didn't say she'd have any relationship.

15 Q. Did they say anything about like we'd potentially  
16 open up some type of an account where she would be a  
17 joint owner with rights of survivorship?

18 A. No. Nothing at all. That's why I couldn't  
19 understand how this was going to help her. They did  
20 tell me that I would get -- we would get \$1,000 after  
21 the investment, you know, \$1,000, maybe 2,000, but not  
22 more than that. I started getting upset because I just  
23 started thinking, first of all, I don't see this  
24 helping Jamie. And they were asking for her Social  
25 Security number, and I knew Jamie only had a few weeks

1 left. Then I just could not believe that -- I didn't  
2 see any benefit, helping Jamie, and why were they there  
3 asking for her Social Security number. She was right  
4 across that wall. They were sitting against the wall  
5 and Jamie was on the other side of the wall.

6 I've taken care -- I took care of Jamie for five  
7 years, and I just did not want them -- I didn't want  
8 her to be used like that. I could tell there was  
9 something wrong with this picture, and I told them I  
10 wasn't interested. And then they just got up, and we  
11 ended the meeting and they left.

12 Q. Did you end up having any additional contact with  
13 them after that?

14 A. No.

15 Q. What, if anything, did you do about it?

16 A. I was upset and I just -- first of all, because  
17 Mr. Craddock said he knew my brother-in-law, I called  
18 my brother-in-law and asked him if he knew a  
19 Mr. Craddock.

20 Q. Without telling us what your brother-in-law may  
21 have said about Mr. Craddock, what else did you do, if  
22 anything?

23 A. I know I contacted my priest, my pastor from All  
24 Saints Parish in Woonsocket, and I told him about what  
25 was going on. I told him about the \$2,000 that I was

1 given, and then I told him about the second meeting,  
2 and I told him I didn't like what I was hearing. It  
3 sounded wrong. There was something wrong with this,  
4 what they were asking me. There was something wrong  
5 with it. I didn't see how Jamie was going to benefit  
6 from this where they told me it was going to be a  
7 fundraiser for her.

8 So I talked with him. And then he got back to  
9 me because he talked to a few people and --

10 MR. LEPIZZERA: Objection. I just am  
11 anticipating it's going to --

12 THE COURT: Right.

13 Q. Mrs. Larivee, you had initially received a \$2,000  
14 check from Mr. Radhakrishnan?

15 A. Yes, I did.

16 Q. At least at the time of when he called you after  
17 that first meeting, you had not cashed it.

18 Did you end up cashing it at some point?

19 A. I cashed it two months later. Two months later  
20 after Jamie died, my nephew was shot and killed in  
21 Iraq. And my brother lived in Tennessee. My husband  
22 and I were looking for a van before this happened; and  
23 when my brother called me up on August 10th to tell me  
24 my nephew had gotten shot and killed, of course I  
25 wanted to go down to Tennessee. So I still had the

1 check. I never cashed it. I swore I wasn't going to  
2 cash it. But I used it. I did cash it, and I used it  
3 to put a down payment on our new van so I could go down  
4 to Tennessee for my nephew's funeral.

5 Q. If we could go back briefly to the meeting that  
6 you had with Mr. Craddock and Raymour, did you ask them  
7 if you could have copies of the documents that they  
8 wanted to use Jamie's Social Security number on?

9 A. No, I didn't.

10 Q. Did they offer to give you any of those documents  
11 to review or share with an attorney or anything of that  
12 nature?

13 A. Did they offer me that? No.

14 Q. They didn't leave you copies of the documents to  
15 think about it or anything like that?

16 A. No. I don't think so. But I do want to say  
17 after --

18 MR. LEPIZZERA: Objection. I don't know if  
19 there's a question pending.

20 THE COURT: Right. You just have to answer  
21 questions.

22 THE WITNESS: Okay.

23 MR. McADAMS: I have no further questions.

24 THE COURT: Thank you.

25 Mr. Radhakrishnan, do you have any questions?

**CROSS-EXAMINATION BY MR. RADHAKRISHNAN**

Q. Good afternoon, Ms. Larivee. Thank you for coming in today. I'll be very brief.

You testified that you met with me a couple times; is that correct? Or more than once; is that correct?

A. Two times.

Q. And the second time that we met, I was accompanied by another gentleman; is that correct?

A. Yes.

Q. Okay. And after I had finished explaining the program to you, you said you were not interested; is that correct?

A. Yes.

Q. Okay. And isn't it true that me and the attorney I was with left your house after that; isn't that correct?

A. Yes.

Q. Okay. And isn't it true I never called you back pressuring you to do anything; is that correct?

A. Yes.

Q. After that. Okay.

MR. RADHAKRISHNAN: Thank you very much for coming in today. Have a good day.

THE COURT: Mr. Lepizzera.

**CROSS-EXAMINATION BY MR. LEPIZZERA**

Q. Good afternoon, Mrs. Larivee.

A. Good afternoon.

Q. My name is Michael Lepizzera. I represent Mr. Caramadre. I just have a couple of questions for you. Okay? Thank you.

So you wind up finding out about this ad and this program, right?

A. Um-hum. (Affirmative.)

Q. And you called Estate Planning Resources, right? You called the number, and you wound up speaking with Raymour, right?

A. I was speaking with the secretary at first, and then she gave me -- Mr. Raymour called me afterwards.

Q. And Raymour set up a meeting with you, first meeting, correct?

A. He came over right away.

Q. He came over right away. And he had a check with him that day, right, for \$2,000?

A. Yes.

Q. And you testified you were surprised because -- what was the other program you went through?

A. Dream Foundation.

Q. Dream Foundation. You had already had and experience with Dream Foundation, a lot of paperwork, a

1 lot of red tape to get some help for your niece, right?

2 A. Um-hum. (Affirmative.)

3 Q. And you responded to this ad, and Raymour comes to  
4 your house and he has \$2,000 there for you, correct?

5 A. Yes.

6 Q. Surprising, right?

7 A. Yes.

8 Q. But you were happy at the time that you received  
9 the 2,000, right?

10 A. I was. I was so happy that I even called my  
11 sister and told her about this program.

12 Q. You told a number of people about the program,  
13 right?

14 A. Yep.

15 Q. You didn't get a chance, obviously, you have a lot  
16 of children and you were taking care of Jamie at the  
17 time, you didn't have a chance to cash the check for a  
18 couple of days, right? I know it took you a couple of  
19 months, but you didn't cash the check right away,  
20 right?

21 A. No, I didn't.

22 Q. And you wound up having a follow-up conversation  
23 with Raymour after the first meeting, right?

24 A. Yes.

25 Q. And Raymour actually mentioned to you, you didn't



1 cash that \$2,000 check, right?

2 A. Right.

3 Q. And he asked you why, right?

4 A. I don't know if he asked me why. I told him why.

5 Q. He was surprised that you hadn't cashed the check,  
6 right?

7 A. He was surprised, yeah.

8 Q. Now, at that first meeting, Raymour never  
9 mentioned anything about a savings account, did he?

10 A. Not the first meeting.

11 Q. He never mentioned anything about a joint  
12 brokerage account?

13 A. No.

14 Q. Never mentioned anything about stocks or bonds,  
15 right?

16 A. Right.

17 Q. He came there with the \$2,000 and gave it to you,  
18 right?

19 A. First day, yeah.

20 Q. First day. And he left. Never asked for any  
21 Social Security number at that first meeting, right?

22 A. No. I signed a paper. I don't know what that  
23 paper was.

24 Q. Your memory was that paper was just some kind of  
25 account receipt form acknowledging that you received

1       \$2,000 for Jamie?

2       A.    Yeah. I think it was something like that.

3       Q.    That was the only form you were asked to sign that  
4       day, right?

5       A.    Yep.

6       Q.    Now, it wasn't until the second meeting and,  
7       again, Donna Benoit was there, correct?

8       A.    Yes.

9       Q.    She was a social worker at hospice?

10      A.    For hospice.

11      Q.    And you asked her to be there just as a second  
12      ear, right?

13      A.    Yep.

14      Q.    You were present, right?

15      A.    Excuse me?

16      Q.    You were present, obviously?

17      A.    Yes.

18      Q.    Was your husband present also?

19      A.    Yes.

20      Q.    Raymour was present, right?

21      A.    Yes.

22      Q.    And Mr. Craddock?

23      A.    Yes.

24      Q.    It wasn't until that second meeting that you  
25      described a savings account was discussed, right?

1 A. Yes.

2 Q. And they were asking for Jamie's Social Security  
3 number, right?

4 A. Yes.

5 Q. And the reason why they were asking for Jamie's  
6 Social Security number was they wanted to use her  
7 Social Security number and place it on some kind of  
8 savings account, right?

9 A. They said they needed it to open up a savings  
10 account.

11 Q. Meaning that her Social Security number was going  
12 to be on some savings account, right?

13 A. That's what they told me.

14 Q. And they explained to you that they were investors  
15 that would invest money or take their money and put it  
16 in that savings account, right?

17 A. Yes.

18 Q. Which would have had Jamie's Social Security  
19 number on it, right?

20 A. Yes.

21 Q. So all of that was explained to you, right?

22 A. Yes. But they also said Jamie could never touch  
23 that.

24 Q. I'm glad you mentioned that. Raymour and  
25 Mr. Craddock told you unequivocally that this money

1 that went into this savings account that had Jamie's  
2 Social Security number on it, that absolutely Jamie  
3 could never touch that money; is that what they said?

4 A. Yes.

5 Q. You were upset by what they told you, weren't you?

6 A. I was very upset.

7 Q. You were actually confused, weren't you? Did you  
8 really understand what they were trying to explain to  
9 you?

10 A. I just can't understand how you could have a  
11 savings account. And if this was supposed to help  
12 Jamie, why, you know, why she couldn't touch that if  
13 this was supposed to help her. This is the only reason  
14 I allowed them to come the second time, because this  
15 was supposed to be something for her, like a fundraiser  
16 that was going to help her. That's what I was told the  
17 first day. But then the second day I was told it was a  
18 savings account.

19 Q. This word "fundraiser," you said Raymour was  
20 looking around your house and you felt --

21 A. I don't know if he was looking around the house.  
22 It's not hard when you walk into my house to see that.  
23 My house could use some repairs. I'm not saying that  
24 he was looking around. I felt he was looking around  
25 the house and said, Boy, this house could use some

1 repairs. And you know, he said Mr. Caramadre was a  
2 good man. He liked to help people in our situation.  
3 So I'm thinking like a whole makeover or something, but  
4 then the second day I was really hurt by it because I  
5 didn't see it helping Jamie in any way whatsoever. And  
6 she was right in the room next door.

7 Q. So they presented this proposal to you, right? In  
8 other words, they explained about the savings account  
9 and investors and using Jamie's Social Security number.  
10 They explained that to you, right?

11 A. Yes.

12 Q. And they were asking you for permission, weren't  
13 they, to use Jamie's Social Security number, right?

14 A. Yes. Yes.

15 Q. And you had a choice, to either allow Jamie's  
16 Social Security number to be used or not allow Jamie's  
17 Social Security number to be used, right?

18 A. Right.

19 Q. And your decision was no, wasn't it?

20 A. Right.

21 Q. You didn't like the sound of it?

22 A. Right.

23 Q. You really didn't understand it, did you?

24 A. No.

25 Q. And it just didn't sit right in your stomach, did

1 it?

2 A. No.

3 Q. So after you asked a couple of questions, you  
4 ended the meeting, right?

5 A. Um-hum. (Affirmative.)

6 Q. After you ended the meeting, Raymour didn't sit  
7 there and say, No, give us another opportunity, we want  
8 to explain a little more. You ended the meeting,  
9 right?

10 A. Yes.

11 Q. And Raymour and Mr. Craddock left, right?

12 A. Yes.

13 Q. But before they left, didn't you do one other  
14 thing? Didn't you take the \$2,000 that you had not  
15 cashed yet and that Raymour had given you at the first  
16 meeting, didn't you say to Raymour and Walter Craddock,  
17 And by the way, I also don't want this. Didn't you  
18 offer the \$2,000 check back to them?

19 A. I don't remember.

20 Q. Is it possible that you did?

21 A. I don't remember.

22 Q. You don't remember?

23 A. No, I don't.

24 Q. But you told us here that you didn't cash it for  
25 two months, did you?

1 A. Right.

2 Q. And in fact, and I understand this is -- you had  
3 another death of another family member and this is  
4 difficult for you, but you had no intention of cashing  
5 that check, did you?

6 A. No, I wasn't going to.

7 Q. Although you don't remember offering that check  
8 back to Raymour and Walter Craddock, you had no  
9 intention of cashing that check, did you?

10 A. I wasn't going to.

11 Q. Because you didn't like what you heard, right?

12 A. Right.

13 Q. But that \$2,000 check, Walter Craddock and Raymour  
14 never asked for it back, did they, when you asked them  
15 to leave your house? They didn't ask for it back, did  
16 they?

17 A. No.

18 Q. Mr. Caramadre didn't put a stop payment on that  
19 check, did he?

20 A. Obviously not. It went through.

21 Q. Because two months later, you really needed that  
22 check, right?

23 A. Yes.

24 Q. And I think you -- you used it to buy a van?

25 A. Yes.

1 Q. And that allowed you to travel down south to be  
2 with your family members when you really needed to do  
3 that?

4 A. Um-hum. (Affirmative.) Yes.

5 Q. So that money, that \$2,000 you received, right?

6 A. Yeah.

7 Q. And it helped you, it helped you in a time that  
8 you really needed it, didn't it?

9 A. Yes, it did.

10 MR. LEPIZZERA: Thank you for coming here today.

11 THE WITNESS: Thank you.

12 THE COURT: Any redirect?

13 MR. McADAMS: No, your Honor.

14 THE COURT: Thank you, then, Ms. Larivee. You  
15 may -- why don't you just stay there for a moment.

16 Counsel come up just for a minute.

17 (Side-bar conference.)

18 THE COURT: I have a note from Juror Number 7,  
19 which says that he thinks his children went to school  
20 with some of Mrs. Larivee's children and he has not  
21 ever met her. He does think his wife has met her. I  
22 don't think it presents any issue, but I just wanted to  
23 bring it to your attention before she left the stand.  
24 Does anybody have any issues or concerns?

25 MR. LEPIZZERA: No. Everyone is intact.



1 THE COURT: Okay. Very good.

2 (End of side-bar conference.)

3 THE COURT: Thank you for that note, and I  
4 covered that issue so I appreciate that.

5 Now, Ms. Larivee, your testimony is complete.  
6 You may step down. Thank you very much.

7 THE WITNESS: Thank you.

8 THE COURT: So, I think, ladies and gentlemen,  
9 it probably is a good time to break now because I  
10 imagine the next witness is going to take a little more  
11 than ten minutes with direct and cross-examination. So  
12 to give you a ten-minute early start on the weekend and  
13 just to keep things kind of orderly, I think it would  
14 probably be good to let you go now.

15 And we had a conversation yesterday. Counsel, I  
16 think everything is pretty much as we thought it was  
17 yesterday, correct?

18 MR. VILKER: Yes.

19 MR. LEPIZZERA: Yes, your Honor.

20 THE COURT: So as I told you I'd try to give you  
21 a little update today about where the schedule of the  
22 trial stands, and I think it's fair to say to you that  
23 we're proceeding at a good pace. We're on track if not  
24 maybe a little better than on track. And the attorneys  
25 inform me that they think I can safely tell you that

1       this trial won't last four months and we're into the  
2       category of less than four months, proceeding toward  
3       three months and I'm hopeful that we can continue to  
4       keep a good pace. That might even improve.

5               But I don't want to give you inflated  
6       expectations only to dash them later, so I want to be  
7       cautious about what I tell you. But I do think things  
8       are moving along and just my own sense of the pace of  
9       things, the technology and otherwise does help a lot  
10      and I think these examinations have been going smoothly  
11      and we haven't had a lot of interruptions. So things  
12      are, from my perspective, moving along well.

13             So just keep in mind, ladies and gentlemen, over  
14      the weekend all of the instructions that I've given  
15      you, especially now that you're going to be away for a  
16      few days and you may see people who have been reading  
17      about this case in the newspaper or seeing things on  
18      TV, and they might want to talk to you. And I just  
19      want to remind you not to have any conversations with  
20      anyone or do any research or any other way do anything  
21      that would expose you to anything related to the case.  
22      All right?

23             And we will see you on Monday morning, 9:00 a.m.  
24      sharp to start. And I know Charlie will be working all  
25      weekend on more nutritious snacks for you next week.

1 All right. Have a good weekend.

2 (Proceedings out of the presence of the jury as  
3 follows:)

4 THE COURT: Could counsel just come up for a  
5 moment.

6 (Side bar conference off the record.)

7 (Court concluded at 1:30 p.m.)

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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify  
that the foregoing pages are a true and accurate  
transcription of my stenographic notes in the  
above-entitled case.

/s/ Anne M. Clayton

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Anne M. Clayton, RPR

January 10, 2013

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Date